

With this great spirit of loyalty to public interests there was combined a degree of talent in advocacy which amounted to genius itself. I shall not need to recite his life's story or the commanding incidents of his public career. They have been presented by others. But Maryland was proud, almost immoderately proud, of his prowess in debate. She had had others in this House or the Senate of whose brilliancy she was proud; and the Nation was proud. He sustained, and splendidly sustained, her past glory and brought her added glory with the recurring years. She knew how to judge and compare great men in the public service. For had she not reared at least her share and devoted them to the Nation's service? There was Pinckney; there was Henry Winter Davis; and then ISIDOR RAYNER.

He has gone with them, but his glory remains here with theirs. It is good and is as imperishable as the spirit of loyalty to the public.

Mr. KONIG. Mr. Speaker, ISIDOR RAYNER is dead. His work is done. Our action to-day can neither brighten nor tarnish his fame. But, sir, the beauty of the custom is its defense—to gather here in the workshop of a departed worker and here on the day of rest for those of us who are still in the struggle remind one another of the accomplishments of him who has gone to his eternal rest.

Senator RAYNER was a leader in the Senate; he was a leader in the House; he was a leader at the bar of Maryland. Wherever he served, there he led; and he led because he deserved to lead. Endowed with a genius for oratory, imbued with high ambition, gifted with strong intelligence and remarkable industry, and possessed of great wealth, Senator RAYNER soon took his place among the men at the top.

But, Mr. Speaker, I revere the memory of ISIDOR RAYNER not because he got to the top, but I revere his memory because wherever he served he served with fidelity and honesty. Men deserve honor only as they are faithful and honest, albeit they may have fame and notoriety as they are successful. But for a vagary of fortune the unknown sailor at the mast might have been the famed admiral on the bridge, and the obscure soldier in the ranks might have been the heralded general at the front, the sweating toiler the proud captain of industry, and the humble voter the exalted magistrate. Fortune favors, and we are famous; fortune frowns, and we are obscure.

Whether fortune enables us to become famous or keeps us obscure, we have it within us to say whether we shall be honest or dishonest, faithful or unfaithful; and accordingly as we choose do we deserve the approval or the disapproval of our fellow men. And, after all, what difference does it make whether we are remembered with the world's great men or forgotten with its men unknown? It may well be that we all in playing our little parts are but deceiving ourselves with our seriousness; that we, with our heavy trifling, are the sport of some genius to us as inconceivable as it is unknown.

But, taking ourselves as we find ourselves, there is no man with an ambition to attain anything who does not as soon as he attains it finds himself possessed of an ambition to attain something else above and beyond it, and the which if he does not attain leaves him as much unsatisfied as if his first ambition had not been realized. Such is the nature of human effort and ambition; perhaps it is well that it is so.

This fact of human history teaches us all a lesson, no matter what may be our station in life, our lot, or our fortune; if we do our duty honestly and faithfully we need envy no man, no matter what his wealth or what his position. There is no top rung to the ladder. Position, wealth, and parts are not in themselves happiness, but, on the contrary, they are oftentimes sources of unhappiness. The wise man tempers his ambition with contentment.

ISIDOR RAYNER served his country well and faithfully; let us pray God that we may do likewise. The great majority of us can not hope to be as famed as Senator RAYNER, but we all can hope and endeavor to leave behind us that which our late lamented friend left behind him, a reputation for honesty and fidelity.

Mr. LEWIS. Mr. Speaker, I ask unanimous consent that the Members of the Maryland delegation and of the House have one week in which to print remarks on the subject of the life, character, and public services of the late Senator RAYNER.

The SPEAKER pro tempore. The gentleman from Maryland asks unanimous consent that the Members of the House from Maryland and other Members of the House have unanimous consent to print remarks in the RECORD at any time within one week. If there be no objection it will be so ordered.

There was no objection.

And then, in accordance with the resolution previously adopted and as a further mark of respect to the memory of the late Senator RAYNER, the House (at 12 o'clock and 44 minutes p. m.) adjourned until to-morrow, Monday, February 3, 1913, at 12 o'clock noon.

SENATE.

MONDAY, February 3, 1913.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. BACON took the chair as President pro tempore under the order of the Senate of December 16, 1912.

The Secretary proceeded to read the Journal of the proceedings of Thursday last, when, on request of Mr. CULLOM and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MISSISSIPPI RIVER BRIDGE.

Mr. CULLOM. Out of order, I ask leave to call up the bill (S. 8182) granting to the Inter City Bridge Co., its successors and assigns, the right to construct, acquire, maintain, and operate a railway bridge across the Mississippi River. It will take only a minute to pass it.

The PRESIDENT pro tempore. The Senator from Illinois asks unanimous consent for the present consideration of the bill indicated by him. Is there objection? The Chair hears none. The bill will be read.

The Secretary read the bill.

Mr. CUMMINS. Mr. President, I have just entered the Chamber. Is there a request for the present consideration of this bill?

The PRESIDENT pro tempore. There is.

Mr. CUMMINS. I wish to have an opportunity to examine it before it is put on its passage.

The PRESIDENT pro tempore. The Chair will state to the Senator from Iowa that the bill has been taken up by unanimous consent, but that does not—

Mr. CULLOM. I am willing that the bill shall go over if the Senator from Iowa wants to look at it.

The PRESIDENT pro tempore. The bill will go over upon the request of the Senator from Iowa.

SENATORS FROM TENNESSEE AND TEXAS.

Mr. SANDERS presented the credentials of WILLIAM ROBERT WEBB, chosen by the Legislature of the State of Tennessee a Senator from that State for the remainder of the term ending March 3, 1913, in the room and stead of NEWELL SANDERS, heretofore appointed by the governor of Tennessee as the successor of Robert L. Taylor, deceased, which were read and ordered to be filed.

Mr. CULBERSON presented the credentials of MORRIS SHEPARD, chosen by the Legislature of the State of Texas a Senator from that State for the unexpired portion of the term of Hon. Joseph W. Bailey ending March 3, 1913, which were read and ordered to be filed.

Mr. CULBERSON. The Senator elect from Texas is present and ready to take the oath of office.

Mr. LEA. The Senator elect from Tennessee is in the Chamber and ready to take the oath of office.

The PRESIDENT pro tempore. The Senators elect will present themselves at the desk for that purpose.

Mr. SHEPARD and Mr. WEBB advanced to the Vice President's desk, escorted by Mr. CULBERSON and Mr. LEA, respectively, and the oath prescribed by law having been administered to them, they took their seats in the Senate.

CALLING OF THE ROLL.

Mr. CLARKE of Arkansas. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Arkansas suggests the absence of a quorum. The Secretary will proceed to call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cullom	Lea	Shively
Bacon	Cummins	Lippitt	Simmons
Bankhead	Curtis	Lodge	Smith, Ariz.
Borah	Dillingham	McCumber	Smith, Ga.
Bourne	du Pont	McLean	Smith, Md.
Bradley	Fletcher	Martine, N. J.	Smith, Mich.
Brandegee	Gallinger	Myers	Smoot
Bristow	Gamble	O'Gorman	Stephenson
Brown	Gardner	Oliver	Sutherland
Burnham	Gronna	Overman	Swanson
Burton	Guggenheim	Owen	Thornton
Catron	Jackson	Page	Tillman
Clapp	Johnson, Me.	Perkins	Townsend
Clark, Wyo.	Johnston, Ala.	Perky	Warren
Clarke, Ark.	Jones	Pomerene	Webb
Crane	Kavanaugh	Richardson	Wetmore
Crawford	Kenyon	Root	Williams
Culbertson	La Follette	Sheppard	Works

Mr. THORNTON. I desire to announce the necessary absence of my colleague [Mr. FOSTER] on account of illness in his family, and also that he is paired with the junior Senator from Wyoming [Mr. WARREN]. I ask that this announcement may stand for the day.

Mr. MARTINE of New Jersey. I was requested to state that the Senator from Colorado [Mr. THOMAS] is absent from the city on important business.

Mr. SWANSON. I desire to announce that my colleague [Mr. MARTIN] is detained from the Senate on account of sickness. I wish this announcement to stand for the day.

The PRESIDENT pro tempore. Upon the call of the roll of the Senate 72 Senators have answered to their names. A quorum is present.

CREDENTIALS.

Mr. CULBERSON presented the credentials of MORRIS SHEPARD, chosen by the Legislature of the State of Texas a Senator from that State for the term beginning March 4, 1913, which were read and ordered to be filed.

IMPRISONMENT IN THE ARMY AND NAVY (S. DOC. NO. 1059).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of January 7, a statement of the number of persons serving in the Navy or Marine Corps of the United States confined, through sentence of general court-martial, during the year 1912, their offenses, term of confinement imposed in each case, and the prison or other place of confinement, etc., which with the accompanying papers, was referred to the Committee on Naval Affairs and ordered to be printed.

REPORT OF WASHINGTON GAS LIGHT CO. (H. DOC. NO. 1333).

The PRESIDENT pro tempore laid before the Senate the annual report of the Washington Gas Light Co. for the year ended December 31, 1912, which was referred to the Committee on the District of Columbia and ordered to be printed.

WASHINGTON & OLD DOMINION RAILWAY CO. (H. DOC. NO. 1334).

The PRESIDENT pro tempore laid before the Senate the annual report of the Washington & Old Dominion Railway Co. for the year ended December 31, 1912, which was referred to the Committee on the District of Columbia and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions filed by the court in the following causes:

John J. Ennis v. United States (Brooklyn Navy Yard) (S. Doc. No. 1057);

Charles W. Brock, and sundry subnumbered cases, v. United States (Portsmouth Navy Yard, Portsmouth, N. H.) (S. Doc. No. 1058);

Virginia C. Boush, administratrix of Jonathan E. Boush, deceased, and sundry subnumbered cases, v. United States (Norfolk Navy Yard) (S. Doc. No. 1056); and

John W. Parrish v. United States (United States Naval Academy, Annapolis, Md.) (S. Doc. No. 1055).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House insists upon its amendments to the bill (S. 8035) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War and to certain widows and dependent relatives of such soldiers and sailors, disagreed to by the Senate; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RICHARDSON, Mr. DICKSON of Mississippi, and Mr. WOOD of New Jersey managers at the conference on the part of the House.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States, and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS.

Mr. CRAWFORD. I present a joint resolution adopted by the Legislature of South Dakota, which I ask may be read and referred to the Committee on Public Lands.

The joint resolution was read and referred to the Committee on Public Lands, as follows:

STATE OF SOUTH DAKOTA,
DEPARTMENT OF STATE.

UNITED STATES OF AMERICA, *State of South Dakota*, ss:

I, Frank Glasner, secretary of state of the State of South Dakota, do hereby certify that the annexed senate joint resolution No. 2 was duly passed by the 1913 session of the Legislature of the State of South Dakota, and is now in full force and effect.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of South Dakota this 30th day of January, A. D. 1913.

[SEAL.]

FRANK GLASNER, *Secretary of State*.
By J. T. NELSON, *Assistant Secretary of State*.

A joint resolution requesting the Congress of the United States to amend the 320-acre homestead law, designated and known as the Mondell bill, to include the State of South Dakota.

Be it resolved by the Senate of the State of South Dakota (the House of Representatives concurring): SECTION 1:

Whereas there are now in force and effect certain laws enacted by the Congress of the United States granting and giving to citizens the right to make homestead entry upon 320 and 640 acre tracts of land; and

Whereas certain Government lands situate in the State of Nebraska are affected by the 640-acre homestead law, and certain Government lands situate in the States of Wyoming, Idaho, Montana, Washington, Oregon, Utah, Arizona, New Mexico, and Colorado are affected by the 320-acre homestead law; and

Whereas Government lands in the State of South Dakota have been and are now eliminated from any law giving to citizens the right to make homestead entry upon more than 160 acres of land; and

Whereas the general classification of the Government lands in South Dakota compares with the lands in the State so affected by the laws aforesaid; and

Whereas it is just and reasonable, from the nature of conditions, that the Government lands in the State of South Dakota be included in the 320-acre homestead act: Therefore be it

Resolved, That we favor and earnestly urge the Congress of the United States by proper enactment to so amend the 320-acre homestead law, known as the Mondell bill, as to include the remaining Government lands suitable for homestead entry situate in the State of South Dakota; and be it further

Resolved, That we request our Senators and Representatives in Congress to employ their best efforts to compass this end.

Mr. CRAWFORD. I present a joint resolution adopted by the Legislature of South Dakota, which I ask may be read and referred to the Committee on Indian Affairs:

The joint resolution was read and referred to the Committee on Indian Affairs, as follows:

STATE OF SOUTH DAKOTA,
DEPARTMENT OF STATE.

UNITED STATES OF AMERICA, *State of South Dakota*, ss:

I, Frank Glasner, secretary of state of the State of South Dakota, do hereby certify that the annexed senate joint resolution No. 8 was duly passed by the 1913 session of the Legislature of the State of South Dakota, and is now in full force and effect.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of South Dakota this 30th day of January, A. D. 1913.

[SEAL.]

FRANK GLASNER,
Secretary of State.

By J. T. NELSON,
Assistant Secretary of State.

A joint resolution requesting the Secretary of the Interior to take steps to revise existing rules for the leasing of allotted Indian lands, and that our Senators and Representatives in Congress assist in securing such revision.

Be it resolved by the Senate of the Legislature of the State of South Dakota (the House of Representatives concurring), That the Secretary of the Interior be requested to take needful and necessary steps looking to an immediate revision of existing rules and regulations promulgated by him governing the right to lease and the manner of leasing allotted Indian lands, with a view to securing the more rapid development of the large areas of unoccupied land now held by Indian allottees of the various Indian tribes. To the end that such object may be speedily attained, our Senators and Representatives in Congress are earnestly requested to lend their aid in securing immediate and favorable consideration thereof.

SEC. 2. That a copy hereof be transmitted to the Secretary of the Interior and to each of the Senators and Representatives in Congress from the State of South Dakota.

Mr. CRAWFORD presented memorials of the congregations of the Seventh-day Adventist Churches of Huron, Webster, Aberdeen, and Florence, all in the State of South Dakota, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. CURTIS. I present a memorial from the Cherokee Freedmen, which I ask may be printed in the RECORD and referred to the Committee on Indian Affairs.

There being no objection, the memorial was referred to the Committee on Indian Affairs and ordered to be printed in the RECORD, as follows:

Memorial of Cherokee Freedmen.

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

Whereas by certain articles of the treaty, made and entered into by and between the United States of America and the Cherokee Nation, proclaimed August 11, 1866, there were certain freedmen, free colored persons, and their descendants clothed with all the rights of native Cherokees; and

Whereas by certain acts of deceit, discrimination, and opposition on the part of certain classes of Cherokees and the Cherokee Nation, and by the effect of certain acts of congressional legislation, and by the acts and doings of certain agents of the Government of the United States said persons believe and feel that said rights have been limited, curtailed, abridged, and in various instances overlooked or ignored, whereby they, as a class and as individuals of a class of citizens of the Cherokee Nation, have sustained much damage and received great injury, and believe themselves entitled to some form of redress; and

Whereas said freedmen, free colored persons, and their descendants, firmly believing in the right of the people to peaceably assemble for their own good and apply to those invested with the powers of Government for redress by petition, address, or remonstrance, have organized themselves together in one band or association under the name of —, for the enforcement and protection of all rights granted them by the aforesaid treaty, and have adopted this method of making their grievances known and praying for relief.

Our grievances are:

1. After having been given the right to elect to settle and live in certain designated parts of the Cherokee Nation by article 4 of the treaty of 1866, said right has been violated, and the enjoyment thereof entirely defeated by promises and agreements made on the part of the Cherokees, which have not been kept and performed by them.

2. The Cherokee Nation did, about the year 1867, erect large and costly school buildings, create, and for a period covering about 16 years, maintain and support, high schools for the education of their children out of the funds of the Cherokee Nation to the exclusion of our children.

3. Said nation did erect and for many years maintain and support a blind asylum and orphans' home out of the funds of said nation to the exclusion of our people.

4. The Cherokee National Council passed certain intermarriage laws, and enforced the same, the effect of which put the Indians directly in touch with the highest form of American civilization, and gave them advantages that could not have been attained in no other way, to the exclusion of our people.

5. In the matter of the payment of moneys per capita we believe and feel that we have been unjustly dealt with, in that some of our people whose names appeared upon approved rolls of citizenship in the Cherokee Nation were paid and received such payments, while others of the same class whose names appeared upon the same rolls were paid and received none.

6. And certain classes of Cherokees have been permitted, and did by various attacks, by various suits at law, attempt to and at this time have a suit at law pending calculated to defeat our property rights in the Cherokee Nation entirely, thereby putting us to great and useless expense of time and money.

7. We believe and feel that we have been unjustly dealt with in the matter of the enrollment of our people, some of the members of some of our families having been duly enrolled as citizens, while the applications for the enrollment of others of the same families having the same status have been rejected.

8. That the applications for the enrollment of many of our people were rejected because of the time limit and the hasty action of the Secretary of the Interior and the Dawes Commission in trying to obey the requirements of the time limit.

9. A large number of our people who were rejected had been theretofore enrolled by various authorities as citizens of the Cherokee Nation, had settled in said nation in good faith, made lasting and permanent improvements upon the lands, lived unmolested for from 10 to 30 years, had exercised many of the rights of citizenship, and after being rejected were ejected and dispossessed from and of said improvements, leaving their labor and improvements without compensation.

10. The restrictions upon the alienation and incumbrance of our lands, both adults and infants, have been removed, and the supervisory jurisdiction of the Government over us and our valuable inherited lands has been relinquished all in advance of those of the Indians, and our people, though comparatively lowest in point of intelligence as a class of Cherokee citizens, have been left exposed to the greed and grafts of the shrewd and unscrupulous hoarders of wealth, who would naturally be first to appear upon the scene, and left unfavorably exposed to the attacks of the disgruntled element of the Indian citizens who yet enjoy the care and protection of the United States Government.

Wherefore we, the freedmen, free colored persons, and their descendants of the late Cherokee Nation, respectfully petition that our grievances above mentioned be given due consideration, and that we be given such redress as in the wisdom of your honorable body seems meet, and your petitioners will ever pray.

SIM ROGERS, Secretary.

(Through our delegation.)

ELI NAVE, President.

Mr. TILLMAN. I send to the desk a letter which I ask may be read and referred to the Committee on Claims.

There being no objection, the letter was read and referred to the Committee on Claims, as follows:

2004 ELEVENTH STREET NW.,
Washington, D. C., January 23, 1913.

Hon. B. R. TILLMAN,

United States Senate, Washington, D. C.

HONORED SIR: My name is Jane Steptoe. I was born in South Carolina, not far from Beaufort, and I deposited in the Freedmen's Bank \$1,100. I still have a balance of \$800. I am now 72 years old, not able to work to earn my living, and am dependent upon other people for my support, and you know that I do not get all that I should have in these my declining years.

We have been encouraged about this money for several years. The Presidents have asked Congress to pay us our money ever since Mr. Cleveland was President, and Congress will not pay us. I now write to ask you, as you are in Congress and one of the men who has to appropriate this money, if you will please get this appropriation through and let Congress pay us. I can not tell you how my conditions are, but just place yourself in my position, at my age, and suppose that you had no means of support, you would think it very hard; but as the Lord has blessed and prospered you, and you don't have to be dependent upon others, please remember me and others and the Lord will certainly bless you more than twofold if you will let Congress pay us the money which is our very own. We do not ask you to give us something that does not belong to us; we are simply asking in the name of the Lord for that which is our own hard-earned money.

Respectfully, yours,

JANE STEPTOE.

Mr. FLETCHER. I present resolutions adopted by the Tampa Bay Pilots' Association, of Florida, which I ask may be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the resolutions were referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

TAMPA BAY PILOTS' ASSOCIATION,
Tampa, Fla., January 17, 1913.

Resolution.

Whereas we, the undersigned pilots of the port of Tampa, Fla., do hereby protest against the various bills now pending in the Commerce Committee of the United States Senate—"A bill to provide for the further Federal regulation of pilotage," introduced by Mr. NELSON, and known as S. 7629, and "A bill relating to the anchorage of vessels in navigable waters of the United States," also introduced by Mr. NELSON, and known as S. 3619; also a bill, H. R. 20630,

introduced by Mr. HARDY, entitled "A bill to provide for the further Federal regulation of pilotage," which is awaiting the action of the Committee on the Merchant Marine and Fisheries; and

Whereas we view the introduction, favorable report, and passage of the said bills to be extremely detrimental, if not, indeed, absolutely destructive, to the fundamentals of the pilotage system in this country, as well as detrimental to many of the ports; and

Whereas this pilotage system has been under control of the States for over 100 years and a board selected by the persons most interested in the safety and prosperity of shipping and appointed by our governor and approved by the State senate; and

Whereas this bill proposes arbitrarily and unnecessarily to destroy this system and to take control of this important service from the hands of those most interested in its efficiency, by whom it has been brought to its present satisfactory condition, and proposes to confide it to those who, whatever ability they may have in other respects, can not be said with certainty to have had any experience whatsoever with the duties and requirements of the service; and

Whereas the Federal regulations, as they appear to us (a) would not increase the efficiency of the pilots or the pilotage system now in vogue; (b) would and could not decrease the rates of pilotage without becoming a drain on the Public Treasury; (c) would tyrannically usurp a business which has been built by time, experience, and the expenditures of large sums of money, thereby depriving many individuals of the fruits of their labor, to which they are justly entitled: Therefore be it

Resolved, That we, the pilots aforesaid, do hereby respectfully, and as earnestly and emphatically as in our power, memorialize and petition our United States Representatives in Congress and United States Senators from this State to use their utmost endeavors to prevent these bills from becoming a law or any antipilotage legislation of any nature.

Also, that a copy of this resolution be sent to the President of the Senate, one to the Speaker of the House of Representatives, one to the chairman of the Commerce Committee, one to the chairman of the Committee on the Merchant Marine and Fisheries, one to the president of American Pilots' Association, and urge them to use their influence in defeating these bills.

C. J. BELGAU.
H. L. JOHNSON.
H. G. WARNER.
C. D. THAMES.
CARL WM. BAHRT.
JNO. J. FORGARTY.
MARK RYAN.

Mr. SMITH of Maryland presented petitions of sundry citizens of Burtonsville, Beltsville, and Silver Spring; of Eureka Grange, No. 177, Patrons of Husbandry, of Eureka; and of Local Grange No. 179, Patrons of Husbandry, of Beltsville, all in the State of Maryland, praying that an appropriation be made for the erection of shelters covering the Wholesale Produce Market between Tenth, Twelfth, and B Streets, in the city of Washington, D. C., which were referred to the Committee on Appropriations.

He also presented a petition of sundry citizens of Allegany County, Md., praying for the establishment of game reservations upon the public lands, which was ordered to lie on the table.

Mr. GARDNER presented resolutions adopted by the Chamber of Commerce of Oldtown, Me., favoring the passage of the so-called Page vocational education bill, which were ordered to lie on the table.

He also presented a memorial of members of the Woman's Club of Houlton, Me., remonstrating against the transfer of the control of the national forests to the several States, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. WARREN presented a memorial of the congregation of the Seventh-day Adventist Church of Lander, Wyo., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. BRISTOW presented a petition of sundry citizens of Emporia, Kans., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which was ordered to lie on the table.

He also presented memorials of the congregations of the Seventh-day Adventist Churches of Severy and Herndon, in the State of Kansas, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. RICHARDSON presented petitions of the congregations of the Methodist Episcopal Churches of Camden, Lebanon, and Nassau, all in the State of Delaware, praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which were ordered to lie on the table.

Mr. JACKSON presented a memorial of sundry citizens of Hagerstown, Md., remonstrating against the parole of Federal life prisoners, which was ordered to lie on the table.

He also presented a petition of the congregation of the Mount Olive Methodist Episcopal Church, of Delmar, Del., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which was ordered to lie on the table.

Mr. OWEN. I present a concurrent resolution passed by the Legislature of Oklahoma, memorializing Congress to pass a law providing for the election of Federal district judges by the people of their respective States. I ask that the concurrent resolution be read and referred to the Committee on the Judiciary.

There being no objection, the concurrent resolution was read and referred to the Committee on the Judiciary, as follows:

House concurrent resolution 3.

Resolution memorializing Congress to pass a law providing for the election of Federal district judges by the people of their respective States.

Be it resolved by the House of Representatives of the State of Oklahoma (the Senate concurring therein), That—

Whereas the Federal district judges who receive their office by appointment by the President of the United States and who hold their office for life, or during good behavior, and who are not amenable to the people, and by reason of this are not always mindful of the rights and privileges of the people; and

Whereas since their creation by the American Congress their jurisdiction and powers have been enlarged until the special interest seeking classes and the wealthy can and do compel the common people of our country to go into the Federal courts oftentimes at a large expenditure of money and time, taking them away from the judges whom they, the common people, elect; and

Whereas the Federal district judges have become a refuge for the great corporations, contesting the laws passed by our State legislature and thereby having them declared unconstitutional, as in the recent case of our revenue laws, whereby the corporations were permitted to get from under the burdens of taxation and shift them upon the farmer, the merchant, and laboring classes: Therefore be it

Resolved by the House of Representatives of the State of Oklahoma (the Senate concurring therein), That we memorialize, request, and urge Congress to pass a law providing for the election of Federal district judges, limiting their jurisdiction and power and their tenure of office to a term of years.

That a copy of this resolution be sent to our United States Senators and Members of the National House of Representatives.

Passed by the house of representatives January 20, 1913.

J. H. MAXEY,

Speaker of the House of Representatives.

Passed the senate January 25, 1913.

C. B. KENDRICK,

President pro tempore of the Senate.

Mr. OWEN. I present a concurrent resolution passed by the Legislature of Oklahoma relative to immediate provision being made for the payment to all members of the Choctaw and Chickasaw Tribes of Indians who have been endowed with the rights of citizenship of their pro rata part of all funds now held by the Government of the United States, and so forth. I ask that the concurrent resolution be read and referred to the Committee on Indian Affairs.

There being no objection, the concurrent resolution was read and referred to the Committee on Indian Affairs, as follows:

House concurrent resolution 4.

Be it resolved by the house of representatives (the senate concurring therein), That—

Whereas the Government of the United States holds in trust approximately the sum of \$6,500,000 for the members of the Choctaw and Chickasaw Tribes of Indians; and

Whereas under the terms of the treaty of 1866 between the Choctaw and Chickasaw Indians and the United States certain lands known as the Leased District, lying between the ninety-eighth and one-hundredth meridian west longitude, were ceded to the United States for a nominal consideration of \$300,000; and

Whereas the members of said tribes of Indians have, through their officials and representatives, since said treaty contended that it was the intention of the tribes to lease said lands to the United States for specific purposes and not to sell the same; and

Whereas the actual value of said Leased District was many millions of dollars in excess of said \$300,000: Now therefore be it

Resolved by the Legislature of the State of Oklahoma, That we respectfully memorialize the Congress of the United States—

First. That it make immediate provision for the payment of all those members of the Choctaw and Chickasaw Tribes of Indians who have been endowed with all the rights of citizenship, including the right to alienate their lands as other citizens of the United States, of their pro rata part of all funds now held by the Government of the United States for said Indians; and

Second. That it enact such legislation as will provide for suitable and adequate payment to the members of said tribes of Indians for the reasonable value of said Leased District: And be it further

Resolved, That the Senators and Representatives from the State of Oklahoma are requested to use all honorable means to secure the enactment of the foregoing legislation.

Passed the house of representatives January 20, 1913.

J. H. MAXEY,

Speaker of the House of Representatives.

Passed the senate January 20, 1913.

E. L. MITCHELL,

Acting President of the Senate.

I hereby certify that this is a true and correct copy of the above and foregoing resolution.

Gus POOL, Chief Clerk.

Mr. CULLOM presented a petition of members of the Young Men's Baraca Class of the South Street Methodist Episcopal Church, of Rockford, Ill., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which was ordered to lie on the table.

Mr. LODGE. I present a resolution passed by the directors of the Springfield (Mass.) Board of Trade December 10, 1912, in regard to the Connecticut River Dam. The resolution is very brief and with no signatures. I ask that it lie on the table and be printed in the RECORD.

There being no objection, the resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

Resolution passed by the directors of the Springfield (Mass.) Board of Trade December 10, 1912.

Resolved, That this community is in urgent need of practicable navigation of the Connecticut River from Long Island Sound to Holyoke;

that, in the opinion of this board, the enactment of the bill introduced by the Connecticut River Co. at this session of Congress will insure the accomplishment of such navigation. Wherefore this board earnestly urges the Members of both Houses of Congress to enact said bill at this session.

Mr. LODGE presented a petition of the Young Men's Class of the Congregational Church of West Newton, Mass., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Bryantville and Boston, in the State of Massachusetts, praying for the construction of a public highway from Washington, D. C., to Gettysburg, Pa., as a memorial to Abraham Lincoln, which were ordered to lie on the table.

Mr. MYERS presented a memorial of the congregation of the Seventh-day Adventist Church, Great Falls, Mont., and a memorial of the congregation of the Seventh-day Adventist Church of Stevensville, Mont., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. CHAMBERLAIN. I present a joint resolution adopted by the Legislature of Oregon, which I ask may be printed in the RECORD and referred to the Committee on the Judiciary.

There being no objection, the joint resolution was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

Senate joint resolution 2.

STATE OF OREGON,

TWENTY-SEVENTH LEGISLATIVE ASSEMBLY,

SENATE CHAMBER.

Whereas it appears from an investigation recently made by the Senate of the United States, and otherwise, that polygamy still exists in certain places in the United States, notwithstanding prohibitory statutes enacted by the several States thereof; and Whereas the practice of polygamy is generally condemned by the people of the United States, and there is a demand for the more effectual prohibition thereof by placing the subject under the Federal jurisdiction and control, at the same time reserving to each State the right to make and control its own laws relating to marriage and divorce: Now therefore be it

Resolved by the senate (the house of representatives concurring), That the application be made, and hereby is made, to Congress under the provisions of Article V of the Constitution of the United States, for the calling of a convention to propose an amendment to the Constitution of the United States whereby polygamy and polygamous cohabitation shall be prohibited, and Congress shall be given power to enforce such a prohibition by appropriate legislation.

Resolved, That the legislatures of all other States of the United States, now in session or when next convened, be, and they are hereby, respectfully requested to join in this application by the adoption of this or an equivalent resolution.

Resolved further, That the secretary of state be, and he is hereby, directed to transmit copies of this application to the Senate and the House of Representatives of the United States, and to the several Members of the bodies representing this State therein; also to transmit copies hereof to the legislatures of all other States of the United States.

Adopted by the house January 16, 1913.

C. N. MCARTHUR,
Speaker of the House.

Adopted by the senate January 15, 1913.

DAN J. MALARKEY,
President of the Senate.

Indorsed: Senate joint resolution No. 2.

JOHN W. COCHRAN,
Chief Clerk.

Filed January 20, 1913.

BEN W. OLCOTT,
Secretary of State.

UNITED STATES OF AMERICA, STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, Ben W. Olcott, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of senate joint resolution No. 2 of the Twenty-seventh Legislative Assembly of the State of Oregon with the original thereof as filed in the office of the secretary of state of the State of Oregon on the 20th day of January, 1913, and that it is a full, true, and complete transcript therefrom and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 20th day of January, A. D. 1913.

[SEAL.]

BEN W. OLCOTT,
Secretary of State.

Mr. CHAMBERLAIN. I present a joint memorial adopted by the Legislature of Oregon, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the joint memorial was ordered to lie on the table and to be printed in the RECORD, as follows:

Senate joint memorial 2.

STATE OF OREGON,

TWENTY-SEVENTH LEGISLATIVE ASSEMBLY,

SENATE CHAMBER.

Whereas there have been introduced in Congress three bills (Nos. H. R. 36, H. R. 4428, S. 2367) to afford Federal protection to migratory game birds; and

Whereas there is a very general sentiment in this State in favor of such protection, and an urgent request for the enactment of such a law has been made, as appears by the numerous petitions received: Now therefore

Resolved (the house concurring), That Congress be, and hereby is, requested to enact a law giving ample protection to migratory game birds.

Resolved, That the legislatures of all other States of the United States now in session or when next convened be, and they are hereby,

respectfully requested to join in this request by the adoption of this or an equivalent resolution.

Resolved further, That the secretary of state be, and he hereby is, directed to transmit copies of this resolution to the Senate and the House of Representatives of the United States and to the several Members of said body representing this State therein; also, to transmit copies hereof to the legislatures of all other States of the United States. Concurred in by the house January 20, 1913.

C. N. MCARTHUR,
Speaker of the House.

Adopted by the senate January 16, 1913.

DAN J. MALARKY,
President of the Senate.

Indorsed: Senate joint memorial No. 2, by committee on Federal relations.

J. W. COCHRAN,
Chief Clerk.

Filed January 22, 1913.

BEN W. OLCOTT,
Secretary of State.

UNITED STATES OF AMERICA, STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, Ben W. Olcott, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of senate joint memorial No. 2 of the Twenty-seventh Legislative Assembly of the State of Oregon with the original thereof as filed in the office of the secretary of state of the State of Oregon on the 22d day of January, 1913, and that it is a full, true, and complete transcript therefrom and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 22d day of January, A. D. 1913.
[SEAL.]

BEN W. OLCOTT,
Secretary of State.

Mr. BROWN. I present a joint resolution passed by the Legislature of Nebraska, which I ask may be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the joint resolution was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

STATE OF NEBRASKA,
OFFICE OF SECRETARY OF STATE.

STATE OF NEBRASKA, Office of Secretary of State:

I, Addison Wait, secretary of state of the State of Nebraska, do hereby certify that I have carefully compared the annexed copy of memorial and joint resolution in re Nebraska Territorial Militia enacted and passed by the thirty-third session of the Legislature of the State of Nebraska, with the enrolled bill on file in this office, and that the same is a true and correct copy of said memorial and joint resolution.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Nebraska.

Done at Lincoln this 31st day of January, A. D. 1913, of the independence of the United States the one hundred and thirty-sixth, and of this State the forty-sixth.

[SEAL.]

ADDISON WAIT,
Secretary of State.

[Memorial and joint resolution in relation to the Nebraska Territorial Militia; introduced by Robert C. Druesedow.]

Whereas the Nebraska Territorial Militia, who served four months in subduing the several raids and depredations of hostile Indians between 1862 and 1864, have never been officially recognized as entitled to all the benefits of the pension laws as other volunteer organizations for the alleged reason that they were not regularly mustered into the service of the United States; and

Whereas these volunteer soldiers were called and mustered into active service by our Territorial executive officers, appointed by the Federal Government, and when no time was given for sending the regular mustering officers on account of the sudden unprovoked acts of marauding and murdering bands of Indians, the acknowledged wards of the Government; and

Whereas the settlers of the border territory, the overland mail, and the emigrants to the Rocky Mountain district were justly entitled to the quickest and fullest protection of the Federal authorities: Be it

Resolved, That our Senators and Representatives in Congress, present and prospective, be requested to renew the best and earliest endeavors of their predecessors to procure the passage of an act similar to the one passed in February, 1895, giving the Missouri State Militia title to pension, etc.; and

Resolved, That the honorable secretary of the State of Nebraska be requested to forward a certified copy of this memorial to each of our Senators and Representatives as soon as possible after its passage and approval, as a bill for the relief of the militia of several border States is in the hands of committee on Federal relations, which ought to include the Nebraska Territorial Militia, whose services were rendered and accepted when the Government did not have sufficient troops for the common defense of our frontier.

I hereby certify that the above is a correct copy of a resolution adopted by the House of Representatives of the Nebraska Legislature on the 28th day of January, 1913.

HENRY C. RICHMOND, *Chief Clerk.*

Mr. HITCHCOCK presented a memorial of Local Union No. 107, Farmers' Educational and Cooperative Union, of Elkhorn Valley, Nebr., and a memorial of the Farmers' Educational and Cooperative Union of Dodge County, Nebr., remonstrating against the adoption of the so-called Aldrich currency plan, which were referred to the Committee on Finance.

He also presented memorials of the congregations of the Seventh-day Adventist Churches of Loup City, Omaha, and Brock, all in the State of Nebraska, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. JOHNSON of Maine presented memorials of the congregations of the Seventh-day Adventist Churches of Lewiston, Po-

land, Dyer Brook, Crouseville, and South Woodstock, all in the State of Maine, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. JONES presented a resolution adopted by members of the King County Democratic Club of Seattle, Wash., favoring the recognition of the Republic of China by the United States, which was referred to the Committee on Foreign Relations.

Mr. GAMBLE presented a joint resolution adopted by the Legislature of South Dakota, favoring the adoption of certain amendments to the homestead law, which was referred to the Committee on Public Lands.

He also presented a joint resolution adopted by the Legislature of South Dakota, favoring a revision of the existing rules regulating the leasing of allotted Indians lands, etc., which was referred to the Committee on Indian Affairs.

Mr. GRONNA presented a memorial of the congregation of the Seventh-day Adventist Church of Stanley, N. Dak., and a memorial of the congregation of the Seventh-day Adventist Church of Newhome, N. Dak., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. PAGE. I present a joint resolution passed by the Legislature of Vermont, which I ask may be printed in the RECORD and referred to the Committee on the Judiciary.

There being no objection, the joint resolution was referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Joint resolution making application to Congress under the provisions of Article V of the Constitution of the United States for the calling of a convention to propose an amendment to the Constitution of the United States whereby polygamy and polygamous cohabitation shall be prohibited.

Whereas it appears from investigation recently made by the Senate of the United States, and otherwise, that polygamy still exists in certain places in the United States, notwithstanding prohibitory statutes enacted by the several States thereof; and

Whereas the practice of polygamy is generally condemned by the people of the United States and there is a demand for the more effectual prohibition thereof by placing the subject under Federal jurisdiction and control, at the same time reserving to each State the right to make and enforce its own laws relating to marriage and divorce: Now therefore

Resolved by the senate and house of representatives, That the application be made, and hereby is made, to Congress, under the provisions of Article V, of the Constitution of the United States, for the calling of a convention to propose an amendment to the Constitution of the United States whereby polygamy and polygamous cohabitation shall be prohibited, and Congress shall be given power to enforce such prohibition by appropriate legislation.

Resolved, That the legislatures of all other States of the United States now in session or when next convened be, and they hereby are, respectfully requested to join in this application by the adoption of this or an equivalent resolution.

Resolved further, That the secretary of state be, and he hereby is, directed to transmit copies of this application to the Senate and House of Representatives of the United States, and to the several Members of said bodies representing this State therein; also, to transmit copies hereof to the legislatures of all other States of the United States.

FRANK E. HOWE,
President of the Senate.

CHARLES A. PLUMLEY,
Speaker of the House of Representatives.

Approved December 18, 1912.

ALLEN M. FLETCHER, *Governor.*

STATE OF VERMONT,
OFFICE OF THE SECRETARY OF STATE.

I hereby certify that the foregoing is a true copy of a joint resolution making application to Congress, under the provision of Article V of the Constitution of the United States for the calling of a convention to propose an amendment to the Constitution of the United States, whereby polygamy and polygamous cohabitation shall be prohibited, approved December 18, 1912, as appears by the files and records of this office.

Witness my signature and the seal of this office, at Montpelier, this 10th day of January, 1913.

[SEAL.]

GUY W. BAILEY,
Secretary of State.

Mr. SIMMONS. I have in my hand a joint resolution of the Legislature of North Carolina ratifying the seventeenth amendment to the Constitution of the United States, providing for the election of United States Senators by the people. North Carolina was the first State to ratify the amendment, and as the resolution directs that a copy of it shall be sent to the two Houses of Congress, I ask that this resolution lie on the table and be printed in the RECORD.

There being no objection, the joint resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

Joint resolution ratifying the seventeenth amendment to the Constitution of the United States.

Whereas both the Houses of the Sixty-second Congress of the United States of America, at its second session, by a constitutional majority of two-thirds thereof, made the following proposition to amend the Constitution of the United States of America, in the following words, to wit:

"Resolved that the Senate and the House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That in lieu of the first paragraph of section

3 of Article I of the Constitution of the United States, and in lieu of so much of paragraph 2 of the same section as relates to the filling of vacancies, the following be proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the States:

"The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

"When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

"This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution."

Therefore be it

Resolved by the Senate and House of Representatives of the State of North Carolina, That the said proposed amendment to the Constitution of the United States be, and the same is hereby, ratified by the General Assembly of the State of North Carolina; and further be it

Resolved, That certified copies of this joint resolution be forwarded by the governor of this State to the Secretary of State at Washington and the presiding officers of each House of the National Congress.

In the general assembly, read three times, and ratified this 25th day of January, 1913.

E. L. DAUGHTERIDGE,
President of the Senate.
GEO. W. CONNOR,
Speaker of the House of Representatives.

Examined and found correct.

A. L. MARTIN, of Cherokee, for Committee.

STATE OF NORTH CAROLINA, DEPARTMENT OF STATE,
Raleigh, January 25, 1913.

I, J. Bryan Grimes, secretary of state of the State of North Carolina, do hereby certify the foregoing and attached (three sheets) to be a true copy from the records of this office.

In witness whereof, I have hereunto set my hand and affixed my official seal.

Done in office at Raleigh, this 25th day of January, A. D. 1913.

[SEAL.] J. BRYAN GRIMES,
Secretary of State.

REPORTS OF COMMITTEES.

Mr. CURTIS, from the Committee on the District of Columbia, to which was recommitted the bill (H. R. 19236) to regulate the practice of osteopathy in the District of Columbia, reported it with amendments and submitted a report (No. 1175) thereon.

He also, from the Committee on Pensions, to which was referred the bill (H. R. 27806) granting a pension to Mary MacArthur, reported it without amendment and submitted a report (No. 1176) thereon.

He also, from the same committee, to which was referred the bill (H. R. 3967) granting an increase of pension to John R. Fugill, reported it without amendment and submitted a report (No. 1177) thereon.

Mr. FLETCHER, from the Committee on Public Health and National Quarantine, to which was referred the bill (S. 7722) to promote the efficiency of the Public Health Service, reported it without amendment and submitted a report (No. 1178) thereon.

Mr. BOURNE, from the Committee on Post Offices and Post Roads, to which was referred the bill (S. 7467) for the relief of George H. Grace, asked to be discharged from its further consideration and that it be referred to the Committee on Claims, which was agreed to.

Mr. CLAPP, from the Committee on Indian Affairs, to which was referred the bill (S. 8077) for the relief of the Turtle Mountain Chippewa Indians, and for other purposes, asked to be discharged from its further consideration and that it be referred to the Committee on Public Lands, which was agreed to.

APPOINTMENT OF GENERAL COURTS-MARTIAL.

Mr. DU PONT. From the Committee on Military Affairs I report favorably, with an amendment, the bill (S. 8272) regulating the appointment of general courts-martial in the Armies of the United States, including all persons belonging thereto and all persons now or hereafter made subject to military law, and I submit a report (No. 1182) thereon. I ask unanimous consent for the present consideration of the bill. I trust that there may be no objection made, for the reason that the legislation embodied in it has been and is most urgently and pressingly needed for the proper discipline and efficiency of the Army.

The PRESIDENT pro tempore. The Senator from Delaware makes a report from the Committee on Military Affairs. The matter is not in order for debate unless permission for the present consideration of the bill is granted, and the question has not yet been submitted to the Senate.

Mr. DU PONT. Mr. President, the few words I am going to say are of an explanatory nature.

The PRESIDENT pro tempore. Without objection, the Senator will proceed.

Mr. DU PONT. I repeat that the few remarks I am going to make are simply of an explanatory nature, so that Senators may understand the importance of the measure. The administration of military justice is seriously hampered by certain provisions of existing laws which were framed many years ago and are entirely out of touch with present conditions.

In the first place, the delays incident to trials by general courts-martial are excessive. The report of the Judge Advocate General for the past year shows that the average period between the preferment of charges and the official announcement of acquittal or conviction is nearly seven weeks, and, this being the average period, it goes without saying that in very many cases the time is as long as three or four months; during which period, if officers, the accused remain in arrest, and, if enlisted men, in confinement, and in either case are unable in consequence to perform their appropriate military duties. This is a very poor showing, as the fundamental principle of a code of military punishment is the enforcement of prompt obedience by prompt punishment.

Another consideration, perhaps even more important, is that whenever troops are assembled in any considerable numbers, under existing conditions, for instruction or other purposes, there is no provision of law by which military offenses can be punished, and I can best illustrate this by citing the state of things which existed when a division of troops was assembled on the Mexican frontier about a year ago. The commander of that division had no authority to convene a general court-martial for the trial of offenders, and discipline could only be preserved by the convening of general courts-martial under the fiction of law, by one of his subordinate officers who happened to be in command of the Department of Texas.

The Military Committee has made careful examination into this state of affairs and believes that it is imperative that some legislation should be passed at once to promote the proper discipline and efficiency of the Army; and I am informed that the House Committee on Military Affairs has already examined and approved of the legislation embodied in this bill in connection with the proposed revision of the Articles of War. I hope, therefore, that it may pass the Senate, to the end that it may be incorporated in the Army appropriation bill and put into effect on the 1st of July next.

It is to be observed that the greater part of the provisions embodied in the bill are those now on the statute book. The changes proposed enable general courts-martial to be convened with greater facility and promptitude, as well as to more effectively guard the rights of the accused, both of which considerations are of the highest importance. The special courts-martial herein provided for take the place of the old garrison and regimental courts-martial, with authority to impose sentences of somewhat more severity, which will enable these tribunals to deal with many offenses which heretofore had to be brought before general courts-martial, and will greatly expedite the administration of military justice. The provisions in regard to summary courts-martial are practically those which are now on the statute book, with one proviso, which is believed to be more just to the enlisted men who are brought before these courts.

In this connection I will send to the Secretary's desk, and ask that it be read, a communication to the Secretary of War from nearly all of the general officers of the Army enlarging upon the necessities of the prompt passage of the legislation referred to.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read the letter, as follows:

WASHINGTON, January 13, 1913.

The SECRETARY OF WAR.

SIR: In response to your verbal request for an expression of opinion upon the "proposed new articles of war," now being considered by Congress with a view to their enactment into law as a military code for the armies of the United States, we, the undersigned general officers of the Army, after a deliberate study of the proposed new articles, are pleased to state as follows:

1. That we, and we believe all other older officers of the Army, have long been impressed with the fact that the present Articles of War are archaic in character, ill adapted to the prompt and efficient administration of military justice in the Army under modern service conditions, and therefore badly in need of revision.

2. That we consider the revision of present articles, as set forth in the "proposed new articles," has been thoroughly and carefully made, obsolete articles in the present code having been omitted, the remaining articles carefully revised, new and badly needed articles added, and the whole so systematically and scientifically arranged as to form a military code admirably adapted to the needs of military justice both in peace and in war in the Army not only as at present organized but also under the proposed reorganization.

3. That we are therefore of the opinion that the "proposed new articles of war" are in every way a great and a much-needed improvement upon the present articles, and that the sooner they are enacted

into law the better it will be for the interests of prompt and efficient administration of military justice in the Army.

Arthur Murray, major general, United States Army; Thomas H. Barry, major general, United States Army; Wm. H. Carter, major general, United States Army; Tasker H. Bliss, brigadier general, United States Army; E. Z. Steever, brigadier general, United States Army; R. K. Evans, brigadier general, United States Army; C. R. Edwards, brigadier general, United States Army; Fred. A. Smith, brigadier general, United States Army; R. W. Hoyt, brigadier general, United States Army; W. S. Schuyler, brigadier general, United States Army; M. M. Macomb, brigadier general, United States Army; Marion P. Maus, brigadier general, United States Army.

Mr. JOHNSTON of Alabama. Mr. President, I only desire to say at this time that I heartily concur with the chairman of the committee [Mr. DU PONT] that this proposed legislation is of great importance to the administration of the affairs of the Army. Especially has the measure commended itself to those of us who have seen service in either of the armies during the Civil War.

The PRESIDENT pro tempore. From the Committee on Military Affairs the Senator from Delaware reports Senate bill 8272, and asks unanimous consent for its present consideration. The Secretary will read the bill for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the Committee on Military Affairs was to strike out all after the enacting clause and insert:

That courts-martial shall be of three kinds, namely: First, general courts-martial; second, special courts-martial; and third, summary courts-martial.

SEC. 2. General courts-martial may consist of any number of officers from 5 to 13, inclusive.

SEC. 3. Special courts-martial may consist of any number of officers from three to five, inclusive.

SEC. 4. A summary court-martial shall consist of one officer.

SEC. 5. The President of the United States, the commanding officer of a territorial division or department, the Superintendent of the Military Academy, the commanding officer of an army, a field army, an army corps, a division, or a separate brigade, and, when empowered by the President, the commanding officer of any district or of any force or body of troops, may appoint general courts-martial whenever necessary; but when any such commander is the accuser or the prosecutor of the person or persons to be tried, the court shall be appointed by superior competent authority, and no officer shall be eligible to sit as a member of such court when he is the accuser or a witness for the prosecution.

SEC. 6. The commanding officer of a district, garrison, fort, camp, or other place where troops are on duty, and the commanding officer of a brigade, regiment, detached battalion, or other detached command, may appoint special courts-martial for his command; but such special courts-martial may in any case be appointed by superior authority when by the latter deemed desirable, and no officer shall be eligible to sit as a member of such court when he is the accuser or a witness for the prosecution.

SEC. 7. The commanding officer of a garrison, fort, camp, or other place where troops are on duty, and the commanding officer of a regiment, detached battalion, detached company, or other detachment may appoint summary courts-martial for his command; but such summary courts-martial may in any case be appointed by superior authority when by the latter deemed desirable: *Provided*, That when but one officer is present with a command he shall be the summary court-martial of that command and shall hear and determine cases brought before him.

SEC. 8. General courts-martial shall have power to try any person subject to military law for any crime or offense made punishable by the Articles of War, and any other person who by statute or by the law of war is subject to trial by military tribunals: *Provided*, That no officer shall be brought to trial before a general court-martial appointed by the Superintendent of the Military Academy.

SEC. 9. Special courts-martial shall have power to try any person subject to military law, except an officer, for any crime or offense not capital made punishable by the Articles of War: *Provided*, That the President may by regulations, which he may modify from time to time, except from the jurisdiction of special courts-martial any class or classes of persons subject to military law.

Special courts-martial shall have power to adjudge punishment not to exceed confinement at hard labor for six months or forfeiture of six months' pay, or both, and in addition thereto reduction to the ranks in the cases of noncommissioned officers, and reduction in classification in the cases of first-class privates.

SEC. 10. Summary courts-martial shall have power to try any soldier, except one who is holding the privileges of a certificate of eligibility to promotion, for any crime or offense not capital made punishable by the Articles of War: *Provided*, That noncommissioned officers shall not, if they object thereto, be brought to trial before a summary court-martial without the authority of the officer competent to bring them to trial before a general court-martial.

Summary courts-martial shall have power to adjudge punishment not to exceed confinement at hard labor for three months or forfeiture of three months' pay, or both, and in addition thereto reduction to the ranks in the cases of noncommissioned officers and reduction in classification in the cases of first-class privates: *Provided*, That when the summary-court officer is also commanding officer no sentence of such summary court-martial adjudging confinement at hard labor or forfeiture of pay, or both, for a period in excess of one month, shall be carried into execution until the same shall have been approved by superior authority.

SEC. 11. Articles 72, 73, 75, 81, 82, and 83 of section 1342 of the Revised Statutes; the first section of an act entitled "An act to promote the administration of justice in the Army," approved October 1, 1890, as amended by the first section of an act approved June 18, 1898 (30 Stat., 483, 484), are hereby repealed.

SEC. 12. That this act shall take effect on July 1, 1913.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill regulating the constitution, composition, and jurisdiction of courts-martial in the armies of the United States, and for other purposes."

UNITED STATES ATTORNEY FOR DISTRICT OF CONNECTICUT.

Mr. BRANDEGEE. From the Committee on the Judiciary I report favorably, with an amendment, the bill (S. 8058) providing for an increase of salary of the United States attorney for the district of Connecticut, and I submit a report (No. 1179) thereon. I ask unanimous consent for the present consideration of the bill.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Connecticut?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on the Judiciary was, in line 5, after the words "rate of," to strike out "\$5,000" and insert "\$3,500," so as to make the bill read:

Be it enacted, etc., That from and after the passage of this act the salary of the United States attorney for the district of Connecticut shall be at the rate of \$3,500 a year.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LAWS RELATING TO ALASKA.

Mr. SMOOT. From the Committee on Printing I report with amendments Senate concurrent resolution No. 38, to print the laws of the United States applicable to the Territory of Alaska. I ask unanimous consent for the present consideration of the resolution.

The amendments were, in line 2, before the word "thousand," to insert "four"; in line 7, before the word "copies," to strike out "thousand" and insert "1,500"; in line 8, before the word "copies," to strike out "thousand" and insert "and 2,500"; and in line 9, after the words "House of Representatives," to strike out "and" ——— copies for each of the Committees on Territories of the Senate and the House of Representatives," so as to make the concurrent resolution read:

Resolved by the Senate (the House of Representatives concurring)., That there be printed 4,000 copies of the laws of the United States applicable to the Territory of Alaska, compiled by the Committee on Territories of the Senate and the Committee on Territories of the House of Representatives in compliance with Public Act No. 334, 1,500 copies of which shall be for the use of the Senate and 2,500 copies for the use of the House of Representatives.

The amendments were agreed to.

The concurrent resolution as amended was agreed to.

SEIZURES OF COTTON.

Mr. SUTHERLAND. From the Committee on the Judiciary I report back favorably without amendment the bill (H. R. 16314) to amend section 162 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911, and I submit a report (No. 1181) thereon. I ask for the present consideration of the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill? The Chair hears none.

Mr. SUTHERLAND. The bill which I send to the desk is a House print, and the motion in italics should be read as part of the bill. The Senate committee has submitted no amendments.

The PRESIDENT pro tempore. The Chair would suggest to the Senator that according to the recognized practice of the Senate it is necessary that it should be the Senate print.

Mr. SUTHERLAND. It has been printed; but the clerk, by mistake, sent me the wrong print.

The PRESIDENT pro tempore. It can be read, if the Senator desires.

The Secretary read the bill, as follows:

Be it enacted, etc., That section 162 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911, be amended so as to read as follows:

"Sec. 162. The Court of Claims shall have jurisdiction of any claim therefor filed prior to January 1, 1915, of those whose property was taken subsequent to June 1, 1865, under the provisions of the act of Congress approved March 12, 1863, entitled 'An act to provide for the collection of abandoned property and for the prevention of frauds in insurrectionary districts within the United States,' and acts amendatory thereof where the property so taken was sold and the net proceeds thereof were placed in the Treasury of the United States; and the Secretary of the Treasury shall return said net proceeds to the owners thereof, on the judgment of said court, and full jurisdiction is given to said court to adjudge said claims, any statutes of limitations to the contrary notwithstanding: *Provided*, That no allegation or proof of loyalty shall be required in the presentation or adjudication of such claims."

Mr. CRAWFORD. I shall be obliged to ask to have the bill go over.

Mr. SUTHERLAND. I think the Senator from South Dakota will not ask that, if he will allow me to make a very brief statement in regard to the measure.

The PRESIDENT pro tempore. Without objection, the Senator from Utah will proceed.

Mr. SUTHERLAND: The only change the bill proposes to make in existing law is to add the proviso which dispenses with the allegation and proof of loyalty in this particular class of claims. These are claims that originated after the close of the war, as a result of the seizure of certain cotton by the Government of the United States. The general rule stated by the statute is that in the case of claims brought in the Court of Claims there shall be an allegation and proof of loyalty; but it occurred to the House, which passed the bill, and to the Senate Committee on the Judiciary, which considered it, that that ought to be dispensed with in cases of this kind, where the seizure was made and the claim arose after the conclusion of the war.

Mr. CRAWFORD: I should like to ask the Senator if the limitation as to time, 1915, is the present law?

Mr. SUTHERLAND: No. That, however, is a limitation upon the existing law and not an extension of it, because under the existing law no time is fixed within which the claims are to be presented, and this limits their presentation to the time stated, 1915.

Mr. CRAWFORD: In the omnibus claims bill we inserted a provision that barred the sending of these war claims to the Court of Claims upon the passage of the bill.

Mr. OVERMAN: If I may interrupt the Senator, these are cases that do not come to Congress at all. They are presented under the general provision that allows a person to go to the Court of Claims if he has a claim of this sort. They will never come before Congress.

Mr. CRAWFORD: What class of claims are they?

Mr. OVERMAN: They are claims where cotton was seized as abandoned property after June 1, 1865, the proceeds of the sale of which, the Supreme Court of the United States held, have been held in the Treasury as a trust fund, as after Lincoln's and Johnson's proclamations everybody was loyal.

Mr. CRAWFORD: Then this is a class of cases where the money is actually in the United States Treasury?

Mr. SUTHERLAND: Precisely.

Mr. OVERMAN: Exactly.

Mr. SUTHERLAND: The money is in the Treasury.

Mr. OVERMAN: We do not have to give any authority to the claimants to go to the Court of Claims.

Mr. CRAWFORD: It is not a class of claims that comes to Congress, then?

Mr. SUTHERLAND: Not at all. I thought the Senator did not realize that these claims are not of that class.

Mr. SMOOT: I should like to ask the Senator if they are not claims, however, that have been before the Claims Committee for many, many years past?

Mr. OVERMAN: Claims of this sort have been before Congress; but the Senator will remember a few years ago Congress passed a general statute allowing anybody having a claim of this sort to go directly to the Court of Claims, and this is intended to remove the necessity for pleading and establishing loyalty. It will allow anyone who has a just claim to go before the Court of Claims.

The Senator will remember that I had published a list of the claims where the property seized was held by the person as the bailee for the Southern Confederacy. That was done to keep anybody from going to the Court of Claims in such a case, because where it was held by him as bailee for the Southern Confederacy of course he could not recover.

Any person who has a just claim arising after June 1, 1865, for property seized after that date, of course under Lincoln's and Johnson's amnesty proclamations, is not required to prove loyalty. But in the statute the words were not sufficient, and the court has held that they must plead loyalty. This bill removes that bar. It has twice passed the House of Representatives unanimously.

Mr. SMOOT: Does the bill apply simply to the \$4,000,000 held in the Treasury?

Mr. OVERMAN: It will not be \$4,000,000; it will not be \$1,000,000. It covers all those claims where property was seized after June 1, 1865, in the hands of an owner who had been pardoned by Abraham Lincoln and Andrew Johnson. That is the truth about it.

Mr. SUTHERLAND: It applies to the fund of \$4,000,000, which will not be increased.

Mr. OVERMAN: It applies to that fund. It will not be one-third of it or one-fourth of it or one-fifth of it.

Mr. JOHNSTON of Alabama: I ought to say to the Senator from Utah that there is a contention that a good deal of the cotton had been previously sold to the Confederate Government. That, of course, is an issue that is not involved in this bill at all. The Government claimed, of course, that where the original owner had sold the cotton to the Confederate Government he could not then claim compensation for it from the United States. But that does not apply to these cases where the cotton was sold, and the name of the claimant reported to the Government,

and the money placed in the Treasury. It merely allows the real owners at the time of the seizure to put in their claim.

Mr. OVERMAN: The bill simply removes that bar of disloyalty.

Mr. SMOOT: Do I understand the Senator to mean to say that if a man was disloyal before the 1st of June, 1865, and was the owner of the cotton, and after June 1, 1865, it was taken by the Government of the United States, the bill removes that bar of disloyalty?

Mr. OVERMAN: It does. Of course, they were all disloyal prior to April, 1865, but then when Lincoln and Johnson issued their amnesty proclamations and they were received back into the Union they were loyal citizens, and the Supreme Court in the Klein case—Thirteenth Wallace—has already held that they were loyal.

Mr. SMOOT: Does the bill provide any way to take care of cases, like many that I believe exist, where the Southern Confederacy had taken the cotton but it was held in the hands of private individuals?

Mr. OVERMAN: It does not affect that class of cases. In these cases the Government gave a receipt and the fund was placed in the Treasury.

Mr. SMOOT: The pending bill does not touch that class of claims.

Mr. OVERMAN: It does not touch any claim except where the person was the real bona fide owner of the cotton after June, 1865, where the cotton was seized and the money put into the Treasury and held in trust; and the Supreme Court has said twice that it is a trust fund.

Mr. SUTHERLAND: It simply applies to this one class of claims.

Mr. CLARKE of Arkansas: Mr. President, I was on the committee that framed the code of which that provision is one of the sections. The purpose of it was to remove the bar of the statute of limitations. For six years after 1863, I think it was, the owners of this cotton had the right to go before what was known as the Southern Claims Commission to assert their ownership. The cotton was taken under the authority of an act of Congress known as the captured and abandoned property act, which was subsequently held to be unconstitutional by the Supreme Court. The result of that action of the Supreme Court was to leave no authority whatever for the seizure of the cotton. It left the taking wholly unauthorized. The question of loyalty or disloyalty had nothing to do with it. The special agents of the Government found a number of persons in the South in possession of cotton, and seized it under the supposed authority of the act of Congress which was afterwards decided to be invalid.

This bill is intended to so change the law as to give a cause of action to those whose property was thus taken and afterwards sold and the proceeds placed in the Treasury to the credit of the persons in whose possession it was at the time of seizure. It does not propose to enlarge the provisions of law so as to create a cause of action in favor of those whose cotton was taken and sold and the proceeds not placed in the Treasury. This latter class of taking constitutes about 50 per cent of the cotton that was taken under the authority of that supposed act. A very limited part of the seizures made under the authority of that act resulted in the proceeds being actually placed in the Treasury. The entire fund now in the Treasury and subject to be claimed under the provisions of this bill, I think, represents less than \$4,000,000.

Before the owners of the cotton were advised by the claim agents, who stir up such things as this, that they were the owners of this money and there was a cause of action in their favor for its recovery, the statute of limitations had in many cases run against the claims. Thus the matter stood for some 25 years, until we incorporated certain provisions in the new code of practice in that chapter relating to the organization and jurisdiction of the courts of the United States. In dealing with that part of the chapter which related to the practice and jurisdiction of the Court of Claims it was thought to be an appropriate place to insert a provision of this kind. The effect of the passage of this act will be, therefore, to renew, in favor of those who owned the cotton at the time of seizure, provided this took place after the 1st of June, 1865, a cause of action, and their recovery in such a proceeding is limited to the funds that are now on deposit in the Treasury of the United States to the credit of that particular claimant. It does not enlarge, as I said before, the scope of the proceeding so as to include those whose property was seized and the proceeds thereof never accounted for in the form of a deposit in the Treasury.

I think that this provision for dispensing with proof of loyalty of the claimant, now sought to be incorporated in the law, was taken for granted when we framed the code. The Court of Claims has recently worked out the result, though, that another provision of the law which related to claims for damages

to property seized and destroyed during the war should apply, and that in this class of cases it should be a condition precedent that the owner should be able to show that he was loyal at the date of the taking.

This class of claims is to be differentiated altogether from that class of claims, because the seizure in these cases was made after the war had ceased, and whether the owners of the cotton seized were disloyal or loyal, the agents of the Government were not entitled to seize it, because it was not the policy of the victorious army nor the Government of the United States to take from the vanquished in the Civil War such property as they rightfully owned in their individual right.

Therefore I say I think there is no great mystery about the matter when it is somewhat well understood, as it can be well understood by a very short examination.

It is now sought to introduce a limitation of time, which, in my opinion, is wholly unnecessary, since there is a limitation of the amount and identity of fund to be recovered. The right of action is confined to those who have money on deposit in the Treasury and which fact is shown by the public record. If that provision limiting the time for presenting claims to January 1, 1915, is inserted now, it will be necessary to change it again if some claim agent at any time after 1915 shall discover that some one has not presented his claim. But the question of loyalty was a minor one, and really ought not to arise in the controversy, because the fact is that this was property taken from private custody and after the war ceased.

Mr. CRAWFORD. Mr. President, the fact that this report was just handed in this morning and has not been printed, and these claims may have relation in some form—I am not sure that they do or do not—to other claims, or may establish some precedent with reference to the extension of time that is serious, I feel disposed to insist that the matter shall go over until the report is printed. It can not delay the measure much, and I think it is a better procedure than to act immediately upon these reports without having them printed and having an opportunity to examine them.

Mr. CLARKE of Arkansas. If the matter goes over under that objection, I trust the Senator from South Dakota will look into it also with a view to inserting a provision affirmatively, if not there now, that will prevent a recovery for cotton that was sold to the Confederate Government and subsequently seized by other persons under some claim that it had been abandoned by the Confederacy and that these therefore became entitled to it by mere act of taking it. I should limit the relief to persons whose cotton was taken from them personally and from their ownership. There exist many claims growing out of the seizure of cotton that was bought by the Confederate Government and because of inadequate transportation facilities was not shipped to the centers where it was converted into money or supplies by the Confederate Government. There are doubtless a number of persons who have that sort of pretended title and who may come in under this bill with claims unless specifically excluded. I do not think there is anything in the bill that includes what the Senator from South Dakota has in mind, and it is a feature worthy of adoption.

Mr. OVERMAN. The courts have held in numerous cases that they can not recover.

Mr. CLARKE of Arkansas. This is a general act giving to everybody the right, but I think it ought to be limited.

Mr. OVERMAN. If the Senator from South Dakota desires that the bill may go over I have no objection to that. I am satisfied if he will examine it he will favor it.

The PRESIDENT pro tempore. Without objection, the bill will go over.

STANLEY MITCHELL.

Mr. SWANSON. From the Committee on Naval Affairs I report back favorably without amendment the bill (S. 7622) for the relief of Stanley Mitchell (S. Rept. 1180). I call the attention of the junior Senator from North Carolina [Mr. OVERMAN], who introduced the bill, to this report.

Mr. OVERMAN. I ask unanimous consent for the consideration of the bill. It will take only a minute.

Mr. GALLINGER. Let it be read for the information of the Senate.

Mr. JONES. I think it should be read before the question of consideration is put.

The PRESIDENT pro tempore. The bill will be read.

The Secretary read the bill, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, appoint Stanley Mitchell, midshipman, United States Navy, an ensign in the United States Navy, and place him upon the retired list as such with three-quarters pay of his grade: *Provided,* That the said Stanley Mitchell shall not, by the passage of this act, be entitled to back pay or allowances.

Mr. GALLINGER. I should like to have a brief statement made concerning this matter. It is a little irregular.

Mr. OVERMAN. This man was a cadet at Annapolis. He stood his mental examination for graduation and stood very high in his class, but failed on the physical examination, on account of tuberculosis. Three doctors and the Army surgeon said he had contracted the disease while a student at Annapolis.

Mr. GALLINGER. I am now reminded of the fact. I am familiar with the case, and I think it is a very just one.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LA FOLLETTE:

A bill (S. 8337) to create a legislative drafting bureau and to establish a legislative reference division of the Library of Congress; to the Committee on the Library.

By Mr. McCUMBER:

A bill (S. 8338) granting an increase of pension to Caleb E. Stewart; to the Committee on Pensions.

By Mr. KENYON:

A bill (S. 8339) to remove the charge of desertion from the military record of William M. Carroll; and

A bill (S. 8340) for the relief of John W. Terry; to the Committee on Military Affairs.

A bill (S. 8341) granting an increase of pension to R. C. Jones; and

A bill (S. 8342) granting an increase of pension to John C. Steeves; to the Committee on Pensions.

By Mr. PERKY:

A bill (S. 8343) granting an increase of pension to William Oliver (with accompanying papers); and

A bill (S. 8344) granting a pension to Walter L. Hammond; to the Committee on Pensions.

By Mr. ASHURST:

A bill (S. 8345) granting an honorable discharge to Ustacio B. Davison (with accompanying papers); to the Committee on Military Affairs.

By Mr. CRAWFORD:

A bill (S. 8346) granting to the counties of Aurora and Brule, in the State of South Dakota, the title to lands situated therein which lie within the meandered lines defining beds of lakes; to the Committee on Public Lands.

By Mr. BURTON:

A bill (S. 8347) granting a pension to Allen Landis (with accompanying papers); to the Committee on Pensions.

By Mr. THORNTON:

A bill (S. 8348) waiving the age limit for admission to the Pay Corps of the United States Navy in the case of Minor Meriwether, jr.; to the Committee on Naval Affairs.

By Mr. GUGGENHEIM:

A bill (S. 8349) for the relief of the heirs of Frederick T. Dent; to the Committee on Claims.

By Mr. JONES:

A bill (S. 8350) granting a pension to Mabel F. Coen; to the Committee on Pensions.

By Mr. BURNHAM:

A bill (S. 8351) granting an increase of pension to Daniel W. Eaton; and

A bill (S. 8352) granting an increase of pension to Elijah C. Lawrence; to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 8353) granting an increase of pension to Lucy A. Bradley (with accompanying papers);

A bill (S. 8354) granting an increase of pension to David Burns (with accompanying papers); and

A bill (S. 8355) granting an increase of pension to Elizabeth Fogg (with accompanying papers); to the Committee on Pensions.

By Mr. GUGGENHEIM:

A bill (S. 8356) for the enrollment of Tilla A. Provost and Harold Provost, Nebraska Winnebago Indians, and for making an allotment to Tilla A. Provost; to the Committee on Indian Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. O'GORMAN submitted an amendment proposing to appropriate \$250,000 for improving the Harlem River Ship Canal for rectification of the bend between the Hudson River and Broadway, etc., intended to be proposed by him to the river and

harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. SUTHERLAND submitted an amendment proposing that the words "civil-service employees" used in section 4 of the act of June 30, 1913, be declared to extend to and include all employees in the unclassified service under the jurisdiction of the War Department, etc., intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. McCUMBER submitted an amendment relative to the rank of petty officers, noncommissioned officers, and enlisted men of the United States Navy and Marine Corps on the retired list who had creditable Civil War service, etc., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

He also submitted an amendment relative to the rank of petty officers, noncommissioned officers, and enlisted men of the Army on the retired list who had creditable Civil War service in the Regular or Volunteer forces prior to April 9, 1865, etc., intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to appropriate \$8,500 for the improvement of Macomb Street NW., from Thirty-third Street to Thirty-sixth Street, intended to be proposed by him to the District of Columbia appropriation bill, which was ordered to be printed and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. CLAPP (by request) submitted an amendment proposing to appropriate \$2,000 for the opening and improvement of Eighteenth Street, between Minnesota Avenue and Good Hope Road SE., intended to be proposed by him to the District of Columbia appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. FLETCHER submitted an amendment proposing to appropriate \$75,000 for an inland waterway from Pensacola Bay through Bay La Launch to the western shore of Wolf Bay, Fla. and Ala., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment providing for an inland waterway from Wolf Bay to Mobile Bay, Ala., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. BRANDEGEE submitted an amendment proposing to appropriate \$400 for the expenses of the jury commission of the District of Columbia, etc., intended to be proposed by him to the District of Columbia appropriation bill, which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. LODGE submitted an amendment proposing to appropriate \$25,000 to meet the expenses incident to holding an international shooting competition at Camp Perry, Ohio, in co-operation with the Perry Victory Centennial celebration to be held in September, 1913, etc., intended to be proposed by him to the Army appropriation bill, which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. SIMMONS submitted an amendment proposing to appropriate \$1,100,000 for the construction of a harbor of refuge at Cape Lookout, N. C., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. CRAWFORD submitted an amendment proposing to appropriate \$75,000 for such bank revetment above Elk Point, on the Missouri River, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate \$5,000 for expenses of exploration in the steppe regions of western Siberia for specimens and seeds of yellow-flowered hardy alfalfa for use in experimental tests, etc., intended to be proposed by him to the Agriculture appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. CURTIS submitted an amendment proposing to appropriate \$85 to pay A. L. Robb, of Atchison, Kans., for extra services as mail carrier, intended to be proposed by him to the Post Office appropriation bill, which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

Mr. BOURNE presented an amendment proposing to appropriate \$100,000 for improving Tillamook Bay and Bar, Oreg., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment providing for the survey of Nehalem Bay and River, Oreg., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for improving the Columbia River between the foot of The Dalles Rapids and the head of Celilo Falls, Oreg. and Wash., from \$600,000 to \$1,200,000, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment providing for the improvement of the harbor at Coos Bay, Oreg., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for improving the Willamette and Yamhill Rivers, Oreg., from \$30,000 to \$40,000, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

CONNECTICUT RIVER DAM.

Mr. BORAH. I submit an amendment intended to be proposed by me to the bill (S. 8033) to authorize the Connecticut River Co. to relocate and construct a dam across the Connecticut River above the village of Windsor Locks, in the State of Connecticut, which I ask may be read and lie on the table.

There being no objection, the amendment was read and ordered to lie on the table, as follows:

Amendment intended to be proposed by Mr. BORAH to the bill (S. 8033) to authorize the Connecticut River Co. to relocate and construct a dam across the Connecticut River above the village of Windsor Locks, in the State of Connecticut, to wit:

Insert a new section, to be known as section 6, as follows:
"SEC. 6. That no part of the cost or expense incurred or sustained in locating, constructing, building, or maintaining any dam located, constructed, built, or maintained under the act of June 17, 1902, entitled 'An act appropriating the receipt from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands,' shall be charged against the entrymen or settlers taking up lands upon such reclamation projects, but all and the entire of such cost or expense shall be borne by the Government and paid out of the Treasury of the United States, out of any money not otherwise appropriated, and any charges heretofore made against settlers or entrymen for the locating, constructing, building, or maintaining of any such dam or dams shall be deducted and taken out of any amounts yet due and unpaid to the Government by and upon the part of such entrymen or settlers."

SEC. 2. Renumber section 6 as section 7.

WITHDRAWAL OF PAPERS—JOHN CARR.

On motion of Mr. CURTIS, it was

Ordered, That the papers accompanying the bill (S. 6531) granting a pension to John Carr, Company D, One hundred and sixteenth Regiment Illinois Volunteer Infantry, be withdrawn from the files of the Senate, no adverse report having been made upon the same.

EMPLOYMENT OF STENOGRAPHER.

Mr. BRISTOW submitted the following resolution (S. Res. 446), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay for a stenographer to a Senator who is not chairman of a committee, at \$1,200 per annum, from February 3, 1913, to be paid from the contingent fund of the Senate until the expiration of the present Congress.

COUNTING OF ELECTORAL VOTE.

Mr. DILLINGHAM. I submit the following resolution, for which I ask present consideration.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the tellers on the part of the Senate authorized by the concurrent resolution of the two Houses relating to the counting of the electoral vote for President and Vice President of the United States be appointed by the President pro tempore.

The PRESIDENT pro tempore. Under the resolution just adopted by the Senate, the Chair appoints the Senator from Vermont [Mr. DILLINGHAM] and the Senator from New Jersey [Mr. MARTINE] tellers on the part of the Senate.

INTERSTATE SHIPMENT OF LIQUORS (S. DOC. NO. 1060).

Mr. GRONNA. I have a pamphlet, being a brief on the so-called Kenyon interstate liquor shipment bill. I ask that the pamphlet be printed as a Senate document.

The PRESIDENT pro tempore. Without objection it is so ordered.

STANDING ROCK INDIAN RESERVATION.

Mr. CLAPP. I present a conference report, and as it is very brief I ask unanimous consent for its present consideration.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 109) to authorize the sale and disposition of the surplus and unlotted lands in the Standing Rock Indian Reservation, in the States of South Dakota and North Dakota, and making appropriation and provision to carry the same into effect, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with the following amendments: Page 3 of the amendment, line 21, after the word "said," strike out the word "reservations" and insert in lieu thereof the word "reservation." Page 6 of the amendment, line 4, after the word "entry" strike out the word "six" and insert in lieu thereof the word "five." Page 6 of the amendment, line 8, strike out the first two words of said line, to wit: "Four dollars" and insert in lieu thereof the words "Three dollars and fifty cents," and the House agree to the same.

MOSES E. CLAPP,
PORTER J. McCUMBER,
HENRY F. ASHURST,

Managers on the part of the Senate.

JOHN H. STEPHENS,
SCOTT FERRIS,
CHARLES H. BURKE,

Managers on the part of the House.

The report was agreed to.

CONNECTICUT RIVER DAM.

Mr. BRANDEGEE. Mr. President, on Saturday last, just before adjournment, I asked unanimous consent for the fixing of a day for the consideration of an important bill on the calendar, authorizing the construction of a dam across the Connecticut River. At the request of the senior Senator from Idaho [Mr. BORAH], the matter was deferred until to-day. I now send to the desk a proposed unanimous-consent agreement relating to that bill, and I ask unanimous consent for its adoption.

The PRESIDENT pro tempore. The Senator from Connecticut asks unanimous consent for the adoption of the order which he has sent to the desk, which will be read.

The Secretary read as follows:

It is agreed by unanimous consent that on Thursday, February 6, 1913, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of Senate bill 8033, calendar No. 1001, authorizing the construction of a dam across the Connecticut River, and before adjournment on that legislative day will vote upon any amendment that may be pending, all amendments that may be offered, and upon the bill through regular parliamentary stages to its final disposition.

This agreement shall not interfere with the unanimous-consent agreement entered into on January 11, 1913, concerning Senate bill 4043, to prohibit interstate commerce in intoxicating liquors in certain cases nor with appropriation bills, conference reports, or the consideration of the commemorative resolutions which are on the calendar for Saturday, February 8.

Mr. BORAH. Mr. President, this bill, as I said upon Saturday, is apparently one of local concern only, but, upon examination of the bill, I conceive it to be one of very general concern. I do not want to be placed in the position of opposing the proper consideration of the bill, and I am perfectly willing that the bill shall, for instance, be made the unfinished business, so that it may come up from day to day and we may discuss it; but I do not feel this morning that I am willing to consent, at this late hour in the session, that a bill, which is of vast importance to the country, and to our part of the country particularly, shall be crowded in and considered under the compulsion of a unanimous-consent agreement. If the bill should pass without certain amendments, judging the future by the past, the President would undoubtedly veto the bill, and therefore nothing would be gained. If the bill should pass with certain amendments, then it is the entering wedge, Mr. President, to the establishment of a policy in this country with reference to power sites than which there is no more important subject before the country. Whether I agree with the bill or whether I disagree with it in its present form would make very little difference, for the reason that there is not sufficient time to work out and amplify and make efficient a power-site measure which will be what it ought to be when it is finally adopted. What I object to, however, is the adoption of that which will be cited as a precedent and the initiation of a policy without carrying with it all those things which a policy of that kind should have.

Step by step, rather quietly and inoffensively and modestly, they are fastening upon our part of the country a system which is not entirely agreeable to all parties. While this measure may be a proper one, I think anyone must concede that there are many other things which ought to go with it, and that many things should be done with reference to the matter of conservation on the other side of the question, in order to make conservation something aside from that of reservation. What I want is to take up this whole question and formulate a policy of conservation which will make our natural resources available to the people. As it is now our coal, our power sites, our agricultural lands are locked up, and it does seem to me that we ought to formulate a policy which while conserving these resources against monopoly permits them to be available to the people. I am opposed to this piecemeal, slipshod, incomplete, and ineffective method of dealing with the subject.

Mr. President, just a word further. I am perfectly willing, as I have said, to meet with all those who are in favor of establishing a policy with reference to our water-power sites, such a policy as will prevent their being taken possession of by a few corporations and monopolies; but, at the same time, I should want a policy which would be of some service to the people in the community in which the power sites are established. If we are going to push this bill with these amendments in it, I feel that the entire subject should be fought out and a policy as broad as the country established, because this will be cited as a precedent.

I ask the Senator from Connecticut if he is not willing that this bill should be made the unfinished business, so that we may work out around this proposition a measure commensurate with the importance of the subject with which it deals?

Mr. BRANDEGEE. Mr. President, replying to the suggestion of the Senator from Idaho, I have this to observe: Of course I understand that what he has said is tantamount to an objection if I should persist in the application for unanimous consent to vote on the bill on the legislative day named. Am I not correct?

Mr. BORAH. Permit me to say, Mr. President, that I would say that it is tantamount to that only for to-day. I would have to object to it for to-day for the reason that the Senator from Colorado [Mr. THOMAS], who is absent, asked that the matter be not disposed of to-day, and, so far as to-day is concerned, I would have to object. I am very anxious—just as anxious as anyone else can be—that this matter be worked out; but I am sure that only one side of it is being worked out by this bill; and while I do not say that I would object to a unanimous-consent agreement, I would object to it taking effect in so short a time that we could not have sufficient opportunity to properly debate the measure. I would want a longer time than the 6th of February.

Mr. BRANDEGEE. The 6th of February, of course, was only the time of the legislative day upon which the bill would be acted upon. The legislative day might run on for any number of calendar days after that, as it would if the bill were the unfinished business.

Mr. BORAH. But it might require a vast amount of physical energy to run it on.

Mr. BRANDEGEE. The only objection to making the bill the unfinished business, Mr. President, would be that it might then be displaced at any time if the Senate should get tired of hearing the advocates of the bill discuss it. The Senate might then proceed to the consideration of something else, when the bill would be swept from its preferred position and relegated to the calendar.

So far as the discussion of the measure is concerned, of course, it could be proceeded with any day as the unfinished business, exactly as well as though the unanimous consent was granted; but there was no agreement for a disposition of the bill if it were made the unfinished business. I had offered the unanimous-consent proposition after conference with the chairman of the Committee on Commerce, the senior Senator from Minnesota [Mr. NELSON]; with the Senator from Alabama [Mr. BANKHEAD], who drew the views of the minority; and with the Senator from Ohio [Mr. BURTON], under whose immediate charge the bill is. It was satisfactory to all of us, and I had hoped that the unanimous consent might be granted. I think I should hardly feel justified in agreeing to another course of procedure unless there was actual objection made to this request for unanimous consent.

Mr. BORAH. Mr. President, as I have said, I shall have to object to the request for the day, but if the Senator from Colorado returns to-morrow perhaps we can agree upon it. I do not want to prevent the Senator from Connecticut getting his bill passed at this session, but I am very anxious that a proper time be given for its consideration, because there are extra-

neous matters in the bill, as I look at it—there are matters in it which ought to be in a separate bill—so that we could work out a policy with reference to power sites without having the extreme pressure of a local situation forcing us to the subject.

Mr. BRANDEGEE. Mr. President, I hope the Senator from Idaho will not proceed to the discussion of the bill now. I do not want to take up so much of the time of the Senate in asking for a unanimous-consent agreement. I admit there are many things in the bill about which Senators have different ideas, and I agree with the Senator from Idaho that time enough ought to be taken in the discussion of the provisions of the bill so that a proper bill may be worked out, if this is not a proper bill, and that a proper policy should be adopted; but my view has been, and still is, that that result, much to be desired, could be attained under a unanimous-consent agreement—a proposition which could run on for any number of calendar days—to finally dispose of it in some way upon the legislative day. That simply means that, without interfering with appropriation bills, conference reports, and the funeral exercises, the bill will be kept before the Senate until it is acted upon. It might be passed; it might be rejected, it might be amended, or it might be indefinitely postponed or laid upon the table; but the mere agreement to dispose of it does not at all deprive anybody of any rights, so far as I can see.

Mr. BORAH. Mr. President, as I have said, I will have to object to the request for to-day; but I do not desire to be understood, if the Senator wishes to consider the matter, as objecting further than to to-day.

Mr. BRANDEGEE. I understand the Senator does not object in a captious spirit at all, but in order that my own record may be clean and that I may not have waived any right or violated any understanding I had with the chairman of the committee, I wanted the objection to be made for the day. I will then confer with all these gentlemen again and propose some other course to-morrow. I give notice, however, that each day, until some program is agreed upon, I shall ask the Senate to attempt to agree upon a program for the early consideration of this bill.

Mr. JONES. Mr. President, I merely desire to suggest to the Senator that it seems to me a rather unusual course to ask for unanimous consent to consider a bill through all the stages to its final passage, involving a matter of this importance, when it has not been discussed at all and no consideration has been given to the measure in the Senate.

Mr. BRANDEGEE. Why, Mr. President, the procedure is not at all unusual.

Mr. JONES. I do not remember—

Mr. BRANDEGEE. The discussion may go on, as I have said, all the rest of the session, if Senators want to keep the matter before the Senate—

Mr. JONES. So I understand; but the bill—

Mr. BRANDEGEE. And if they do not so desire, they can indefinitely postpone the bill at any time.

Mr. JONES. That, of course, is entirely plain; but I do not remember of any time in my short service here where a bill of any importance has been put down by unanimous consent for consideration and disposal on a legislative day when no discussion has been had on it at all during the session.

Mr. BRANDEGEE. I do not care to discuss that now, because objection was made and the matter is not before the Senate.

Mr. JONES. I simply wanted to suggest that for the consideration of the Senator.

Mr. SMITH of Michigan. Mr. President, apropos of the discussion which has just taken place, I send to the Secretary's desk, and ask to have read for the information of the Senate, some telegrams bearing upon the Connecticut River improvement measure.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read as follows:

SPRINGFIELD, MASS., January 27, 1913.

Hon. WILLIAM ALDEN SMITH, Washington, D. C.:

We urge the immediate passage of Connecticut River bill as it is, without any amendments.

HOLYOKE BOARD OF TRADE,
By MORTON HULL, Secretary.

SPRINGFIELD, MASS., January 27, 1913.

Hon. WILLIAM ALDEN SMITH,
United States Senate, Washington, D. C.:

We trust that the Connecticut River bill will pass Congress without amendment. This is of vital commercial importance to all the large industries and commercial interests of Springfield, Chicopee, and Holyoke.

SPRINGFIELD BOARD OF TRADE.

SPRINGFIELD, MASS., January 27, 1913.

Senator WILLIAM ALDEN SMITH, Washington, D. C.:

Entire membership Connecticut Valley Waterways Association urge immediate passage in Senate, without amendment, of Connecticut River bill.

H. H. BOWMAN, Vice President.

SPRINGFIELD, MASS., January 28, 1913.

WILLIAM ALDEN SMITH,

Senate, Washington, D. C.:

We request immediate passage Connecticut River bill, without amendment.

JOHN A. DENISON, Mayor.

SPRINGFIELD, MASS., January 27, 1913.

Hon. WILLIAM ALDEN SMITH,

United States Senate, Washington, D. C.:

It is absolutely necessary to obtain adequate navigation in Connecticut River for western Massachusetts that Connecticut River bill be passed without amendment at this session of Congress.

SPRINGFIELD BOARD OF TRADE,
CHAS. H. BECKWITH, Counsel.

INSPECTION AND GRADING OF GRAIN.

Mr. CRAWFORD. Mr. President, the bill (S. 223) to provide for the inspection and grading of grain entering into interstate commerce, and to secure uniformity in standards and classification of grain, and for other purposes, being Calendar No. 870, is a bill in which the producers of cereals and grains in the Northwest are very much interested. I give notice that at the conclusion of the consideration of Senate bill No. 1, which the Senator from Oklahoma [Mr. OWEN] has given notice he would call up for consideration, I shall ask the Senate to consider Senate bill 223.

DEPARTMENT OF HEALTH.

Mr. OWEN. Mr. President, on January 30 I gave notice that to-day, after the morning business was disposed of, I should move that the Senate proceed to the consideration of Senate bill No. 1, a bill providing for the establishment of a department of health.

It has been three years since a bill was introduced for the purpose of establishing a department of health substantially of like purpose with that which is now before the Senate, on the calendar as Senate bill No. 1, providing for a department of health. This bill was very thoroughly and carefully considered by the committee; many hearings were given; and it was reported on April 13, 1912, now nearly one year ago.

The Republican Party has committed itself to the policy of improving the processes for caring for the public health. The Democratic Party has declared in favor of it in terms most explicit. The question has been referred to the President's Commission on Efficiency, and a favorable report made by that commission.

I do not think the bill now needs debate. I do not wish to take up the time of the Senate to go into any prolonged debate. I should like merely to state, as a brief—

The PRESIDENT pro tempore. The Chair will call the attention of the Senator to the fact that he has not yet moved to take up the bill.

Mr. OWEN. I am now submitting a few preliminary observations, and will then make the motion.

The PRESIDENT pro tempore. Without objection, the Senator will proceed.

Mr. OWEN. The bill merely provides for the consolidation of an independent health service with our present health service, combined with the bureaus having charge of the enforcement of the pure-food act and the collection of vital statistics. The matter is before the Senate, and I think it is well understood by every Senator. I trust the matter may be disposed of without any extended debate. I shall be very glad to answer any questions with regard to it that may be asked.

I now move that the Senate proceed to the consideration of Senate bill No. 1.

Mr. WORKS. Mr. President, I hope the Senate will not take up this bill for consideration at this time. This is what is generally known as the Owen medical bill. It is perhaps one of the most generally discussed bills outside of Congress, and it is one of the most earnestly opposed bills that has ever been before the Senate.

Mr. SMOOT. Mr. President—

The PRESIDING OFFICER (Mr. BRYAN in the chair). Does the Senator from California yield to the Senator from Utah?

Mr. WORKS. I yield to the Senator.

Mr. SMOOT. If we are going to discuss this question and to vote upon it, I believe we ought to have a quorum of the Senate present. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Utah suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cullom	Lea	Shively
Bacon	Cummins	Lippitt	Simmons
Bourne	Curtis	McCumber	Smith, Ariz.
Brandeggee	Dillingham	McLean	Smith, Ga.
Bristow	du Pont	Martine, N. J.	Smith, Md.
Brown	Gallinger	Myers	Smith, Mich.
Bryan	Gamble	Oliver	Smoot
Burnham	Gardner	Owen	Stephenson
Burton	Gore	Page	Thornton
Cañon	Gronna	Paynter	Warren
Chamberlain	Hitchcock	Percy	Watson
Clapp	Jackson	Perkins	Webb
Clark, Wyo.	Johnson, Me.	Perky	Wetmore
Clarke, Ark.	Jones	Pomerene	Williams
Crane	Kenyon	Richardson	Works
Culberson	La Follette	Sheppard	

The PRESIDING OFFICER. Sixty-three Senators have responded to their names. A quorum of the Senate is present.

Mr. OWEN. Mr. President, upon my motion I call for the yeas and nays.

The yeas and nays were not ordered.

Mr. WORKS. Mr. President, when I was interrupted I was saying that this is what is generally known as the Owen medical bill—

Mr. GALLINGER and Mr. HITCHCOCK addressed the Chair. The PRESIDING OFFICER. Does the Senator from California yield, and to whom?

Mr. WORKS. I yield to the Senator from New Hampshire.

Mr. GALLINGER. I suggest to the Senator from California, if he will permit me, that under our rules the motion is not debatable. It is true the Senator from Oklahoma debated it before making the motion, but I think we ought not to violate our rule. We will have plenty of debate if the bill comes up.

Mr. WORKS. I am certainly not disposed to violate any of the rules of the Senate. If there is objection—

Mr. GALLINGER. Of course, I do not object.

The PRESIDING OFFICER. The question is, Shall the Senate take up Senate bill No. 1 for consideration?

Mr. SMOOT. Mr. President—

Mr. GALLINGER. To which there is objection.

The PRESIDING OFFICER. The Senator from New Hampshire objects.

Mr. OWEN. I move that the Senate proceed to the consideration of the bill. I have a right, I believe, under the parliamentary rule, to have the voice of the Senate upon that question. I ask that the yeas and nays be taken, if the motion is not agreed to by a viva voce vote.

The PRESIDING OFFICER. Undoubtedly the Senator has a right to a vote upon whether or not the Senate will take up the bill. But the Senator has not a right to the yeas and nays, unless a fifth of the Senators present demand the yeas and nays.

Mr. GALLINGER. And the Senate has declined to order the yeas and nays.

Mr. OWEN. I wish to suggest that there has not been submitted to the Senate the question whether or not the bill shall be taken up.

Mr. WORKS. I ask unanimous consent that I may make an explanation with reference to the matter, for the purpose of showing why I, personally, am not prepared at the present time to take up the discussion of the bill, and to give my reasons therefor in a very few words.

The PRESIDING OFFICER. The Senator from California asks unanimous consent that he may proceed to discuss the bill. Is there objection?

Mr. WORKS. Not to discuss the bill; I am not asking that. I do not expect to do that.

Mr. OWEN. The request of the Senator from California, I understand, is that the bill be not now considered because he is not prepared to discuss it.

Mr. WORKS. That is all.

Mr. OWEN. To that I am constrained to object.

The PRESIDING OFFICER. Objection is made. The question is whether the Senate shall take up Senate bill No. 1, notwithstanding the objection of the Senator from New Hampshire.

Mr. CLARKE of Arkansas. I ask unanimous consent that the Senator from California be allowed to submit certain remarks in explanation of the reasons why he does not care to have the bill considered at this time. That is all he asks.

Mr. WORKS. That is all I ask.

Mr. OWEN. I have no objection to that.

Mr. GALLINGER. I rise to correct a statement by the Chair. I did not object to the bill coming up. The Senator

from Oklahoma moved that it should be taken up, and on that motion he asked for the yeas and nays. The yeas and nays were denied; and the only objection I made was, the yeas and nays having been denied, that the Senator could not renew his request.

The PRESIDING OFFICER. The Chair understood the Senator from New Hampshire to object. Is there objection to the request that the Senator from California may proceed to make an explanation as to his attitude upon the bill, or a personal explanation, as the Chair understands the request? The Chair hears none. The Senator from California will proceed.

Mr. WORKS. Mr. President, one of the very important questions that will arise in the discussion of this bill is as to whether or not it is necessary legislation. On the 6th day of January I offered a resolution here, which was passed by the Senate, calling upon the Secretary of the Treasury to furnish to the Senate information as to the medical activities of the Government, and the amount of money that has been expended during the last year for that purpose. That report has not yet come to the Senate. I expect it to disclose fully the different bureaus and branches of the medical service as they now exist and the amount of money that the Government has paid out in sustaining the medical activities of the Government.

The delay in receiving this report has not been upon my part. I have inquired about it on one or two occasions. I wrote to the Secretary of the Treasury a private letter, saying to him that it was important that that information should be had by the Senate before this bill was taken up. This morning, after I learned that the Senator from Oklahoma desired to take up the bill, I telephoned to the Treasury Department to ascertain when that information could be had, and was informed that two of the bureaus had not yet furnished the necessary information, and that it would take a day or two, or perhaps a little longer, to get that information.

I very much desire, and I think the Senate will desire, to have that important information before the Senate before the bill is taken up for discussion. It is one that necessarily will be discussed at considerable length. I expect to make some extended remarks upon it myself, and I desire to have this information and data before the bill is taken up for discussion.

Mr. SMOOT. I move that the Senate proceed to the consideration of executive business.

Mr. OWEN. I make the point of order that my motion is before the Senate.

The PRESIDING OFFICER. The motion of the Senator from Utah, however, has precedence.

Mr. OWEN. Then I move a recess until 2 o'clock.

Mr. SMOOT. That motion is not in order, Mr. President.

Mr. OWEN. That motion takes precedence of a motion to go into executive session, as I understand the rules of the Senate.

Mr. SMOOT. Not a motion for a recess; a motion to adjourn is the only motion that would take precedence.

Mr. OWEN. I make a motion that the Senate adjourn and reassemble at 2 o'clock.

Mr. SMOOT. That motion is not in order, Mr. President.

The PRESIDING OFFICER. The Chair will hear from the Senator from Oklahoma upon that motion.

Mr. JOHNSTON of Alabama. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Alabama suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Curtis	McLean	Smith, Md.
Bacon	Dillingham	Martine, N. J.	Smoot
Bourne	Gallinger	Myers	Stephenson
Brandeggee	Gardner	O'Gorman	Sutherland
Bristow	Gore	Oliver	Swanson
Brown	Gronna	Owen	Thornton
Bryan	Hitchcock	Page	Tillman
Burnham	Johnson, Me.	Percy	Townsend
Cañon	Johnston, Ala.	Perkins	Warren
Chamberlain	Kavanaugh	Perky	Watson
Clapp	Kenyon	Pomerene	Webb
Clark, Wyo.	La Follette	Richardson	Wetmore
Clarke, Ark.	Lea	Sheppard	Williams
Cullom	Lippitt	Shively	Works
Cummins	McCumber	Smith, Ariz.	

The PRESIDING OFFICER. Fifty-nine Senators have responded to their names, and a quorum of the Senate is present. The Senate will pardon a statement. The Chair is of the opinion that the motion of the Senator from Oklahoma would take precedence, but the time having arrived to which he moved a recess the motion becomes inoperative. The Senator from Utah moves that the Senate proceed to the consideration of executive business. The question is on the motion of the Senator from Utah.

Mr. SMITH of Georgia. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. I transfer that pair for the day to the junior Senator from Nevada [Mr. MASSEY]. I vote "yea."

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON] and therefore withhold my vote.

Mr. RICHARDSON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. SMITH] and therefore withhold my vote. If he were present, I should vote "yea."

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Louisiana [Mr. FOSTER]. I therefore withhold my vote.

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from New Jersey [Mr. BRIGGS]. I transfer that pair to the junior Senator from Colorado [Mr. THOMAS] and vote "nay."

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I transfer that pair to the junior Senator from Missouri [Mr. REED] and vote. I vote "nay."

The roll call was concluded.

Mr. SHIVELY. I wish to announce that my colleague [Mr. KERN] is temporarily absent from the Chamber on important public business.

Mr. WARREN. As I stated before, I am paired with the Senator from Louisiana [Mr. FOSTER]. I make a transfer so that that Senator will stand paired with the Senator from Maryland [Mr. JACKSON]. I will therefore vote. I vote "yea."

Mr. DU PONT (after having voted in the affirmative). I should like to inquire whether the senior Senator from Texas [Mr. CULBERSON] has voted.

The PRESIDING OFFICER. The Chair is informed that that Senator has not voted.

Mr. DU PONT. Under those circumstances, as I have a general pair with the senior Senator from Texas, I will withdraw my vote.

Mr. RICHARDSON. I will transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from New Mexico [Mr. FALL] and vote "yea."

Mr. SMOOT. I desire to announce that the senior Senator from Minnesota [Mr. NELSON] is paired with the senior Senator from Virginia [Mr. MARTIN].

Mr. JONES. I desire to state that my colleague [Mr. POINDEXTER] is detained from the Chamber on important business.

The result was announced—yeas 37, nays 37, as follows:

YEAS—37.

Bourne	Crawford	Lippitt	Smoot
Brandeggee	Cummins	Lodge	Stephenson
Bristow	Curtis	McCumber	Sutherland
Brown	Dillingham	McLean	Townsend
Burnham	Gallinger	Oliver	Warren
Burton	Gamble	Page	Wetmore
Catron	Gronna	Perkins	Works
Clapp	Guggenheim	Richardson	
Clark, Wyo.	Jones	Root	
Crane	Kenyon	Smith, Mich.	

NAYS—37.

Ashurst	Johnson, Me.	Owen	Smith, Md.
Bacon	Johnston, Ala.	Paynter	Swanson
Bankhead	Kavanaugh	Percy	Thornton
Bryan	La Follette	Perky	Tillman
Chamberlain	Lea	Pomerene	Watson
Clarke, Ark.	Martine, N. J.	Sheppard	Webb
Fletcher	Myers	Shively	Williams
Gardner	Newlands	Simmons	
Gore	O'Gorman	Smith, Ariz.	
Hitchcock	Overman	Smith, Ga.	

NOT VOTING—21.

Borah	Dixon	Martin, Va.	Smith, S. C.
Bradley	du Pont	Massey	Stone
Briggs	Fall	Nelson	Thomas
Chilton	Foster	Penrose	
Culbertson	Jackson	Pointexter	
Cullom	Kern	Reed	

So the Senate refused to proceed to the consideration of executive business.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Oklahoma [Mr. OWEN] to proceed to the consideration of Senate bill No. 1. [Putting the question.] The yeas appear to have it.

Mr. OWEN. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. As he is absent from the Chamber, I will withhold my vote.

Mr. RICHARDSON (when his name was called). I have a general pair with the Senator from South Carolina [Mr. SMITH]. I transfer that pair to the Senator from New Mexico [Mr. FALL] and vote "nay."

Mr. WARREN (when his name was called). I transfer my general pair with the Senator from Louisiana [Mr. FOSTER], so that he will stand paired with the Senator from Maryland [Mr. JACKSON]. I vote "nay."

Mr. WATSON (when his name was called). I transfer my pair with the Senator from New Jersey [Mr. BRIGGS] to my colleague [Mr. CHILTON], and I vote "yea."

Mr. WILLIAMS (when his name was called). With the same explanation that I made upon the last roll call, I desire to vote. I vote "yea."

The roll call was concluded.

Mr. DILLINGHAM (after having voted in the negative). I will inquire whether the senior Senator from South Carolina [Mr. TILLMAN] has voted.

The PRESIDING OFFICER. That Senator has not voted, the Chair is informed.

Mr. DILLINGHAM. Then I withdraw my vote, having a general pair with that Senator.

The result was announced—yeas 33, nays 33, as follows:

YEAS—33.

Ashurst	Gore	O'Gorman	Smith, Ga.
Bacon	Hitchcock	Overman	Swanson
Bryan	Johnson, Me.	Owen	Thornton
Burton	Johnston, Ala.	Paynter	Watson
Chamberlain	Kavanaugh	Percy	Webb
Clarke, Ark.	Lea	Perky	Williams
Crawford	Martine, N. J.	Pomerene	
Fletcher	Myers	Sheppard	
Gardner	Newlands	Smith, Ariz.	

NAYS—33.

Borah	Crane	Lippitt	Stephenson
Bourne	Cullom	Lodge	Sutherland
Brandeggee	Cummins	McCumber	Townsend
Bristow	Gallinger	Oliver	Warren
Brown	Gronna	Page	Wetmore
Burnham	Guggenheim	Perkins	Works
Catron	Jones	Richardson	
Clapp	Kenyon	Smith, Mich.	
Clark, Wyo.	La Follette	Smoot	

NOT VOTING—29.

Bankhead	du Pont	Massey	Smith, Md.
Bradley	Fall	Nelson	Smith, S. C.
Briggs	Foster	Penrose	Stone
Chilton	Gamble	Pointexter	Thomas
Culbertson	Jackson	Reed	Tillman
Curtis	Kern	Root	
Dillingham	McLean	Shively	
Dixon	Martin, Va.	Simmons	

So Mr. OWEN's motion was not agreed to.

THE CALENDAR.

Mr. SMITH of Georgia. I move that the Senate take up the regular calendar of business and proceed to the consideration of unobjected bills.

Mr. LODGE and others. That is right.

The PRESIDING OFFICER. The Senator from Georgia moves that the Senate proceed to the consideration of unobjected bills under Rule VIII.

The motion was agreed to.

Mr. LODGE. Only unobjected bills are to be considered.

The PRESIDING OFFICER. The first bill on the calendar will be stated.

The bill (S. 2493) authorizing the Secretary of the Treasury to make an examination of certain claims of the State of Missouri was announced as first in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill goes over on objection.

The bill (S. 1505) for the relief of certain officers on the retired list of the United States Navy was announced as next in order.

Mr. BRISTOW. Let that go over.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 2151) to authorize the Secretary of the Treasury to use at his discretion surplus moneys in the Treasury in the purchase or redemption of the outstanding interest-bearing obligations of the United States was announced as next in order.

Mr. OVERMAN. Let that go over.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 256) affecting the sale and disposal of public or Indian lands in town sites, and for other purposes, was announced as next in order.

Mr. GALLINGER. Let that go over.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 3) to cooperate with the States in encouraging instruction in agriculture, the trades, and industries and home economics in secondary schools; in maintaining instruction in these vocational subjects in State normal schools; in maintaining extension departments in State colleges of agriculture and mechanic arts; and to appropriate money and regulate its expenditure, was announced as next in order.

Mr. GALLINGER. I move that the bill be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PAGE subsequently said: I should like to know what action was taken on Senate bill No. 3?

The PRESIDING OFFICER. The bill was indefinitely postponed.

Mr. PAGE. I suppose that is what will be eventually done with it, but I ask the Senate not to do it now, for I do not know what may be the condition later.

The PRESIDING OFFICER. That has already been done.

Mr. GALLINGER. I ask that the motion be reconsidered; that the bill be passed over without prejudice.

Mr. PAGE. Yes; let it go over without prejudice.

The PRESIDING OFFICER. Without objection, the motion by which the bill was indefinitely postponed will be reconsidered, and the bill goes over.

The bill (S. 2234) to provide for a primary nominating election in the District of Columbia, at which the qualified electors of the said District shall have the opportunity to vote for their first and second choice among those aspiring to be candidates of their respective political parties for President and Vice President of the United States, to elect their party delegates to their national conventions, and to elect their national committeemen was announced as next in order.

Mr. GALLINGER. Let the bill go over.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 5728) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Osage Nation of Indians against the United States was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill goes over.

The bill (S. 3316) to repeal an act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911, was announced as next in order.

Mr. GALLINGER. I ask that the bill be placed under Rule IX.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The bill (S. 5186) to incorporate the Brotherhood of North American Indians was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 461) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Ponca Tribe of Indians against the United States was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER. The bill goes over.

The bill (S. 5917) relating to procedure in United States courts was announced as next in order.

Mr. CLARKE of Arkansas. Let that bill go over.

The PRESIDING OFFICER. The bill goes over.

HARRIET PIERSON PORTER.

The bill (S. 118) granting an increase of pension to Harriet Pierson Porter was announced as next in order.

Mr. DU PONT. Mr. President, if there is no objection to that bill, I should be very glad to have it taken up.

Mr. McCUMBER. There will be some discussion on it, if that is done, but I do not desire to object.

The PRESIDING OFFICER. What is the request of the Senator from Delaware?

Mr. DU PONT. My request is that the bill be taken up; it has been on the calendar a very long time.

Mr. BRANDEGEE. No one has objected to its consideration.

Mr. GALLINGER. No.

The PRESIDING OFFICER. No one has objected to the consideration of the bill so far. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with amendments, on page 1, line 7, before the word "general," to strike out "brevet brig-

dier" and insert "major"; in line 7, after the name "United States," to strike out "Army" and insert "Volunteers"; and in line 8, after the words "rate of," to strike out "one hundred" and insert "fifty," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harriet Pierson Porter, widow of Fitz John Porter, late major general, United States Volunteers, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The amendments were agreed to.

Mr. McCUMBER. I ask for the reading both of the favorable and the adverse reports in this case.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read the report submitted by Mr. DU PONT April 10, 1912, as follows:

The Committee on Pensions, to whom was referred the bill (S. 118) granting an increase of pension to Harriet P. Porter, have examined the same and report:

This bill as amended proposes to increase from \$12 to \$50 per month the pension of Harriet P. Porter, widow of Fitz John Porter, late major general, United States Volunteers.

The military history of Gen. Fitz John Porter shows that he was a cadet at the United States Military Academy from July 1, 1841, to July 1, 1845, when graduated and appointed brevet second lieutenant, Fourth Artillery. He was promoted full second lieutenant June 18, 1846; first lieutenant May 29, 1847; and was breveted assistant adjutant general June 27, 1856. He was commissioned as colonel, Fifteenth Infantry, May 14, 1861, and a few days later was appointed brigadier general of Volunteers. He was promoted major general of Volunteers July 14, 1862, and was cashiered and dismissed from the Army January 21, 1863. By act of Congress, approved July 1, 1886, he was restored as colonel of Infantry, to rank from May 14, 1861, and was retired from active service August 7, 1886. He served in the War with Mexico from September 6, 1846, to September, 1847, when wounded at the storming of Chapultepec. Gen. Porter died May 21, 1901, at the ripe old age of 80 years.

A similar bill, S. 5593, was introduced in the Sixty-first Congress and referred to a subcommittee. The following report made by that subcommittee in the third session of the Sixty-first Congress sets out in detail the services of Gen. Porter and the peculiar circumstances in his case:

"Your subcommittee, to whom was referred S. 5593, granting a pension to Harriet Pierson Porter, reports the same favorably with the following amendment, viz:

"Amend the title so as to read: 'Granting an increase of pension to Harriet Pierson Porter.'

"In line 8 strike out the period and insert a comma and the words 'in lieu of that she is now receiving.'

"Maj. Gen. Fitz-John Porter, to whose widow the bill gives an increase of pension, entered the United States Military Academy in 1841, graduated in 1845, and took part with the greatest distinction in all the battles of our Army under Gen. Scott in the Mexican War. He was wounded in the desperate assault upon the Belen Gate of the City of Mexico, the 20 other officers of his battery being killed, and 27 out of 30 enlisted men of the battery being killed or wounded.

"He served with honor in the Regular Army until the breaking out of the Civil War, when he was appointed colonel of one of the new regiments of Infantry, and soon afterwards major general of Volunteers, being assigned to the command of a division and afterwards the Fifth Corps of the Army of the Potomac under Gen. McClellan. Detached with his corps from that Army and ordered to join Gen. John Pope in front of Washington, he took part in the second Battle of Bull Run in August, 1862, where the Fifth Corps lost in about an hour's time 2,151 men, being one-third of its force present. Not long after a successful attempt was set on foot to unjustly make Gen. Porter the scapegoat of the disastrous defeat of the Union forces in that battle. Charges were preferred against him, and notwithstanding his indignant assertions of entire innocence he was tried by a general court-martial, which, after hearing a great deal of conflicting testimony, found him guilty and sentenced him to be cashiered and not allowed to hold any office of trust or profit under the United States Government.

"Conscious of his innocence, Gen. Porter used every effort for years to have his case reopened, and, after many unsuccessful attempts, in 1878 President Hayes at last ordered a board of inquiry to make a thorough investigation of his case. Various original dispatches and other important papers which had not been presented at the court-martial were laid before this board, together with the testimony of many Confederate general officers as to the exact location and strength of the southern troops opposed to Porter at the second Battle of Bull Run, upon which were based some of the chief allegations in support of the original charges, all of which conclusively showed that the previous evidence against him was absolutely false and misleading.

"The members of the board of inquiry, consisting of Gens. Schofield, Terry, and Getty, after a most searching investigation lasting over 12 months, reported that 'the original charges and specifications bore no discernible resemblance to the actual facts in the case. That the judgment of the original court-martial upon Gen. Porter's conduct was based upon totally erroneous impressions, not only respecting what his conduct really was, but respecting all the circumstances under which he acted, and that not one of all the gallant soldiers who took part in the occurrences under consideration was less deserving of such condemnation than he.'

"They further reported that, in their opinion, 'justice requires at his hands such action as may be necessary to annul and set aside the findings and sentence of the court-martial in the case of Maj. Gen. Fitz-John Porter, and restore him to the positions of which that sentence deprived him, such restoration to take effect from the date of his dismissal from the service.'

"President Hayes submitted this report to Congress 'for such action as shall seem expedient and just,' and although Gen. Grant, in a printed article in the North American Review made a very strong appeal that justice be done to Gen. Porter, no action was taken by Congress until June 25, 1885, when the bill was passed restoring him to the Regular Army with the rank of colonel as of the date of his dismissal, coupled with the proviso that he was to receive no pay or emoluments during the time he was out of service.

"Gen. Porter, upon his complete vindication and restoration to the Army, did not receive the back pay and emoluments, amounting to \$97,310.18, to which he would have been entitled had he not been most unjustly deprived of his commission, and which he should have received under every principle of justice and equity and in conformity with the precedents established by several analogous cases. In the opinion of your subcommittee this is a sufficient reason for excluding from consideration the fact that Mrs. Porter, who owns no real estate whatever, has an income of a little over \$1,700 a year upon which she has to support herself and an unmarried daughter.

"Attention is called to the statement of account hereto appended in the case of Gen. Fitz-John Porter, and also to a statement of analogous cases in which back pay and allowances were granted to officers who were restored to the Army as of the dates of their original commissions.

"H. A. DU PONT."

Statement of account in the case of Maj. Gen. Fitz-John Porter, showing the amount which would be due him on the assumption that he remained in the service as a major general of Volunteers until Dec. 1, 1865, and that from that date up to Aug. 6, 1886, he held the grade of colonel on the active list.

PAY.	
Jan. 21, 1863, to Dec. 31, 1865, pay of a major general, at \$220 per month	\$5,226.00
Jan. 1, 1863, to Feb. 28, 1865, 15 rations a day, at 30 cents each	1,809.00
Mar. 21, 1865, to Dec. 31, 1865, 15 rations a day, at 50 cents each	2,250.00
Total pay	9,285.00
ALLOWANCES.	
Servants: The officer was entitled to servants, not to exceed four, if employed.	
Jan. 21, 1863, to Mar. 2, 1865, 4 servants, at \$11 per month each	\$1,116.13
Mar. 3, 1865, to Dec. 31, 1865, 4 servants, at \$16 each per month	590.40
Total servant hire	1,706.53
FORAGE.	
Forage for horses, if kept.	
Jan. 1, 1863, to Dec. 31, 1865, at \$20 per month	\$465.96
PAY.	
Jan. 1, 1866, to June 30, 1866, pay of a colonel, at \$95 per month	\$570.00
6 rations and 4 additional rations for length of service, at 50 cents	900.00
July 1, 1866, to Mar. 1, 1867, pay of a colonel, at \$95 per month	763.16
6 rations and 5 additional rations for length of service, at 50 cents	795.30
Mar. 2, 1867, to July 14, 1870, pay of a colonel, at \$110 per month	4,443.92
July 1, 1866, to June 30, 1868, 33½ per cent increase on pay proper under section 1 of the act of Mar. 2, 1867	843.37
Mar. 2, 1867, to July 27, 1867, 6 rations plus 5 additional rations for length of service, at 50 cents	962.50
July 28, 1867, to July 14, 1870, 6 rations plus 5 additional rations, at 30 cents	3,554.21
Total pay for period from Jan. 1, 1866, to July 14, 1870	12,832.46
SERVANT HIRE.	
If servant was employed—July 1, 1866, to July 14, 1870, 2 servants, at \$16 each per month	\$1,552.00
Forage for horses Jan. 1, 1865, to Mar. 2, 1867, at \$12 per month	312.60
PAY.	
July 14, 1870, to Aug. 5, 1886, pay of a colonel with more than 20 years' service, at \$4,500 per annum	72,262.50
Summary.	
PAY.	
Jan. 21, 1863, to Dec. 31, 1865	\$9,285.00
Jan. 1, 1866, to July 14, 1870	12,832.46
Total	22,117.46
Less 5 per cent tax	1,106.87
	21,010.59
Pay—July 14, 1870, to Aug. 5, 1886	72,262.50
Total pay	93,273.09
ALLOWANCES.	
Servant hire	3,258.53
Forage	778.56
	4,037.09

STATEMENT OF ANALOGOUS CASES.

"The act of February 24, 1905 (33 Stat. L., 806), contains the following provision:

"That the proper accounting officers be, and they are hereby, directed to settle and adjust to Sarah K. McLean, widow of the late Lieut. Col. Nathaniel H. McLean, all back pay and emoluments that would have been due and payable to the said Nathaniel H. McLean as a major from July 23, 1864, to the date of his reinstatement, March 3, 1875, and that the amount due by said adjustment is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated."

"NOTE.—This officer resigned from the service July 23, 1864, on account of having been ordered to Oregon for duty. The order sending him to Oregon was the result of his activity in unearthing frauds in the Quartermaster Department and his resignation was in the nature of a protest against the treatment which was accorded him. The full circumstances relating to the matter will be found in House Report No. 279, Forty-third Congress, second session, and Senate Report No. 126, Fifty-third Congress, second session.

"Attention is called to the case of Collins v. United States (14 C. Cls., 568; and 15 C. Cls., 22).

"In this case the officer was restored to the Army and judgment was rendered in his favor for back pay amounting to \$17,987.83.

"In the case of Kilburn v. United States (15 C. Cls., 41, 46) the court used this language:

"In all the cases referred to the parties to whom back pay has been allowed have been considered by Congress to have been illegally or unjustly or inadvertently dismissed the service. In order to remedy the wrong or repair the injustice of such dismissal, it has been considered both just and humane that its revocation should be complete, and should relate back to the day of the order of dismissal, so as to make the party entitled to full pay, as though no such order had ever been made. (Winters v. The United States, 3 C. Cls. R., 136; Smith v. United States, 2 C. Cls. R., 206.) But such arrearages of pay have in every instance been allowed only under the acts of Congress authorizing the beneficiaries under them to assume a definite rank from a past date. This doctrine is fully expounded in the case of Maj. Collins (ante, p. 22)."

Mrs. Porter now receives a pension of \$12 per month, provided by the acts of January 29, 1887, and April 19, 1908, on account of her distinguished husband's service in the Mexican War. She was married to the deceased officer March 19, 1857, and is now over 72 years of age and in very poor health.

In a sworn statement accompanying the bill she declares that her average income from railroad bonds, etc., is about \$1,700 per year.

In view of the statements set forth in the foregoing a majority of your committee recommend the passage of the bill when amended as follows: On line 8 strike out the words "one hundred" and insert in lieu thereof the word "fifty."

On line 7 strike out the words "brevet brigadier" and insert in lieu thereof the word "major," and in the same line strike out the word "Army" and insert in lieu thereof the word "Volunteers."

THE PRESIDING OFFICER. The views of the minority will now be read, as requested by the Senator from North Dakota.

The Secretary read as follows:

VIEWS OF THE MINORITY.

Mr. McCUMBER, on the part of the minority of the committee, submits the following views:

The minority of the Committee on Pensions, feeling that the claim for a special bill in this case is wholly unjustified from any standpoint, submit the following reasons for their refusal to concur with the majority of the committee in reporting this bill favorably:

COMMITTEE ON PENSIONS CREATED TO RELIEVE CASES OF DESTITUTION ONLY.

Preceding the rules which have governed the committee for many years is a note, which reads as follows:

"NOTE.—The Pension Committees of the two Houses of Congress were created to consider a very few claims in which, from their peculiar circumstances of extreme disability and destitution, adequate relief could not be obtained from the bureau. * * * Nor is it the policy of the Government to provide full support for soldiers or their widows, but solely to prevent absolute want, and it is believed, therefore, that private pension legislation should be restricted to cases of such extreme destitution as render assistance imperative."

Rule 7 provides:

"Where the widow of an officer is pensioned under the act of April 19, 1908, an increase will not be recommended in excess of the general-law rating for his rank; in cases where the circumstances suggest that a lower rate would be proper such lower rate only will be recommended."

Rule 7 also provides:

"No increase of pension to widows will be recommended above the general-law rating except in cases of destitution, to be substantiated by competent testimony; and the word 'destitution' will be held to mean the same when applied to an officer or his widow as when applied to a private or his widow; it will not be contracted or expanded to meet particular cases."

These rules are recited, first, to show the purposes of private pension legislation, and second, to show wherein the particular case in question should be governed by those rules.

In a sworn statement accompanying the bill, Mrs. Porter declares that her average income from railroad bonds, etc., is about \$1,700 per year. In addition to this she is receiving \$144 per year pension, making her total income \$1,844 per year, or over \$150 per month.

This is not a case of destitution. And if it is not a case of destitution, what is it? Favoritism, pure and simple.

If Mrs. Porter should be entitled to \$600 per year pension, in addition to her present income from other sources, then the widow of every other officer of similar rank should receive the same, and she should receive it under a general law. It is not the proper province of either the committee or Congress to single out anyone for special favor. If the general law does not grant sufficient pension to the widows of officers, then the general law should be changed and made applicable to all cases.

By granting this special favor to one who is not in need of it we are committing a rank injustice to the hundreds who are refused and who are in need of it.

MR. DU PONT. Mr. President I wish to say a few words on this matter.

The views of the minority, after citing the rules of the Pension Committee, which I have already discussed in the case of Mrs. Hawkins, states that Mrs. Porter's case is not a case of destitution but of "favoritism, pure and simple," and that if she should be entitled to \$600 per year, as provided in the bill, in addition to her present income from other sources, "then the widow of every other officer of similar rank should receive the same," and that by granting this "special favor" we are committing a "rank injustice" to others.

I take issue with these statements. Mrs. Porter's case has nothing in common with the hundreds of other cases that have come before Congress. It is unique. Nothing like it has ever occurred before and probably will never occur again. Gen. Porter belonged to the Regular Army for almost 22 years, his service including both the Mexican and Civil Wars. During the former war he was wounded in the heroic assault upon the Belen Gate of the City of Mexico, the other two officers of his battery

being killed, and 27 of the 30 enlisted men which composed it being killed or wounded. In the latter war he served with great distinction and gallantry until the autumn of 1862, when he was unjustly court-martialed and dismissed from the Army. In 1878, by direction of President Hayes, a searching reinvestigation as to the real facts in the case was made by a court of inquiry, which vindicated Gen. Porter in the most handsome manner, and reported that the judgment of the original court-martial was based upon totally erroneous impressions not only respecting what his conduct really was, but respecting all the circumstances under which he acted, and added that justice required that the findings and sentence of the original court-martial be annulled and set aside, and that he be restored to the position of which he had been deprived, such restoration to take effect from the date of his dismissal from the service. It was not until 1885 that Congress took action and restored him to his rank in the Regular Army, but under the influence of party prejudice denied him the pay or emoluments during the time that he was unjustly deprived of his commission, which amounted to a large sum of money. This latter stipulation was contrary to all precedents and in violation of every principle of equity and justice.

Mrs. Porter is over 70 years of age and has a daughter dependent upon her for support. It is submitted that the granting of the pension provided for in the bill is not by any means an act of "favoritism," but a proper recognition of the long, faithful, and distinguished service which Gen. Porter had rendered to his country in two wars. I trust that the bill for her relief may be favorably considered by the Senate, which would thus make indirectly, but in a very meager and inadequate way, some compensation for the pay and emoluments of which her husband was so unjustly deprived.

Mr. McCUMBER. Mr. President, if I remember aright, another bill which had a place on the calendar just preceding the pending measure was considered by the Senate at the last session. I refer to the bill granting an increase of pension to the widow of Gen. Hawkins. The evidence in that case showed that the claimant was in receipt, as I now remember, of an income in the neighborhood of \$1,400 per annum. It differs from this bill only in the matter of the amount. In this particular case the claimant is now in receipt of a general income amounting to \$1,844 a year, or about \$150 per month.

Mr. President, this brings clearly before the Senate the danger of passing these special bills without consideration and without any general rule that would apply to all cases. Suppose, now, that we were to pass this bill in favor of Mrs. Porter, and should grant her this extra sum of \$600 per year as is provided in this bill, giving her something over \$2,000 a year, what answer could we make to the claim of Mrs. Hawkins that she has not been justly treated? What reply could we give to hundreds of other widows who are exactly in the same position, namely, whose claims have been rejected because they did not bring their cases within the very salient rule of the committee, which indicates the very purpose for which the committee was created, or, at least, the main purpose which it is conserving to the public, and that is, to grant relief only in cases of destitution.

I confess that I know very little about the merits of the controversy which resulted in the dismissal of Gen. Porter and his reinstatement in his position; but I do know that if he was unjustly removed by court-martial, then certainly his widow ought to be entitled to present a bill to the Committee on Claims, and if there was anything due to the general that was unjustly taken from him the Committee on Claims ought to investigate that question and grant such relief as would be proper and just in that particular case.

I would be in favor of that course; but I am not in favor of trying the question whether or not the general was unjustly deprived of his salary and emoluments for a number of years in connection with an application for the benefit of Mrs. Porter which, if allowed, would take her case entirely out of the general range of cases that have been considered by the Committee on Pensions.

I have said time and again, Mr. President, that the Senate, by allowing a spirit of sympathy or of favoritism or of friendship in some particular case to govern them, will necessarily put the committee in a position that will be extremely embarrassing. I again call attention to that portion of the report which I submitted as the views of the minority as to the very object of the creation of this committee. It was created, in the first instance, Senators, for the purpose of considering general pension legislation. Its functions were increased so that it should consider special legislation for what purpose? Not for the purpose of taking up particular cases in which any Senator would desire to have a pension increased, but for the sole and only purpose that, sit-

ting as a quasi court of equity, it might do justice to those cases which could not be reached by the general law. We ought not to extend the function of that committee; we ought not to extend the power of that committee so that it will go beyond this and take up any case without reference to any rule and grant such pension as the momentary impulse of either the committee or the Senate may dictate.

As I have stated in this report, the very purpose of the committee—its operation, at least—is indicated in the little note preceding our rules, which reads:

The Pension Committees of the two Houses of Congress were created to consider a very few claims—

Those "few claims" have increased very materially—

In which, from their peculiar circumstances of extreme disability and destitution, adequate relief could not be obtained from the bureau.

I want to call attention to the fact that in every case the question of disability and destitution becomes a leading question.

Nor is it the policy of the Government to provide full support for soldiers or their widows, but solely to prevent absolute want, and it is believed, therefore, that private pension legislation should be restricted to cases of such extreme destitution as render assistance imperative.

Following out this very object, the very soul and spirit of the power which was given to the committee to consider special pension legislation, the rules further provide:

No increase of pension to widows will be recommended above the general-law rating except in cases of destitution, to be substantiated by competent testimony—

Mark this part of a proper rule—

and the word "destitution" will be held to mean the same when applied to an officer or his widow as when applied to a private or his widow; it will not be contracted or expanded to meet particular cases.

Mr. President, we are now asked to expand it enormously to meet a particular case. The income of Mrs. Porter to-day is about \$1,844 per year. It is asked by this bill to increase it \$600 more, so that it will be \$2,444 per year.

I object to this; I oppose it because it does an injustice to the hundreds of widows whose cases we have turned down in the past, and because it forces upon us a precedent that we can hardly escape in the consideration of future cases that may come before the committee.

Since I have been chairman of the Committee on Pensions my main efforts have been directed toward the preventing that committee ever being used for the purpose of favoritism. I think we have been eminently successful in that endeavor. We have an established rule that in no case will we recommend a pension above \$50 per month. The Senate itself has overruled that sort of unwritten law of the committee on two or three occasions—I think two within the last two years—where \$100 a month has been granted.

We are now brought face to face with a condition that we ought to meet, and ought to meet fairly. If, as a matter of fact, Mrs. Porter is entitled to \$50 per month without reference to the amount of her income, then there are at least 200 widows, whose husbands were of the same rank, who are entitled to the same amount. If they are entitled to that, then we ought to have the courage to stand up here and vote through a general bill, so that we will not be forced to take up one bill and grant fifty or one hundred dollars a month and then take up another bill and grant twelve or fifteen dollars per month.

Mr. DU PONT. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Delaware?

Mr. McCUMBER. I yield to the Senator.

Mr. DU PONT. I should like to ask the Senator from North Dakota a question. He spoke of some 200 or 250 widows whose husbands were of the same rank as Gen. Porter. I should like to ask him if there are any of those 250 widows whose husbands were unjustly driven out of the service and lost for a long period of years the pay and emoluments to which they were entitled and were deprived of them in this way? That is what differentiates this case from the others.

Mr. McCUMBER. Mr. President, undoubtedly no two cases are alike. I again assert that if the widow of Gen. Fitz John Porter has any just claim against the Government for the deprivation of the general during his life of certain salaries that should have been received by him during that time the remedy is and ought to be by a bill which would refer that matter to the Court of Claims or the Committee on Claims. The Senate Committee on Pensions did not investigate that matter. It was not necessary for them to investigate that matter. So I simply ask the Senate to stand with that rule of the committee, which was designed to secure the doing of equal justice in respect to every claim brought before them.

Mr. GALLINGER. Mr. President, Gen. Fitz John Porter was a New Hampshire man. At the time when passions were heated

there were many people in New Hampshire who believed that Gen. Porter had not done his entire duty as an officer of the Army of the United States. That time has passed, and a monument has been erected in the city of Portsmouth to the memory of Gen. Porter.

When this matter was under discussion before the House of Representatives a Member of that House from New Hampshire, who served under Gen. Porter, made a speech that cleared up, in my mind, every thought that I ever had entertained—and I confess I had entertained some doubts—as to Gen. Porter's loyalty and as to his conduct while he represented the Government on the field of battle.

The record of this man is a remarkable record. It goes back to the War with Mexico, where he performed distinguished service and where he received a very severe wound. To my mind, in dealing with this particular case, the fact is worthy of consideration that this man, because of the unjust accusations made against him—and beyond a doubt they were unjust—was deprived of some \$80,000 that he otherwise would have received. I understand, in fact, that it is a much larger amount than that.

Mr. DU PONT. Nearly \$90,000.

Mr. GALLINGER. Nearly \$90,000, that he otherwise would have received, had not those accusations been made against him. He died in comparative poverty. During all the long years that he served the Government he had accumulated in bonds, I believe, enough to give his widow an income of \$1,700 a year. That \$1,700 a year went to support the widow and an unmarried daughter whom she is supporting at the present time.

Congress gave this widow a pension of \$12 a month, which she is now receiving. To my mind it is a most extraordinary thing that any member of the Committee on Pensions should haggle about this proposed increase to \$50 per month. I hesitate to say a word on this subject, because for a number of years I served as chairman of the Committee on Pensions, and the very rule that the Senator from North Dakota has invoked—or a portion of it, at least—was written by me. But that rule never was used to debar worthy widows whose husbands had served with great distinction as officers of the United States.

If I remember correctly—and I do not say this at all in a controversial spirit—the Senator from North Dakota has declared over and over again that he did not believe the widow of a general officer was entitled to any more pension than the widow of a private soldier. I think I am not incorrect in making that statement.

Mr. McCUMBER. The Senator can assert that as my statement on prior occasions and as my statement to-day.

Mr. GALLINGER. Of course I take issue with that, Mr. President, because I think it is a most extraordinary position for a Senator to take.

I do not know how many widows of general officers holding the rank of major general, without any reference to the great injustice that was done Gen. Fitz John Porter, are receiving less than \$50 per month, but I know that a great many of them are receiving that amount and some of them a much larger amount.

Mr. SMOOT. Mr. President—

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Utah?

Mr. GALLINGER. Yes.

Mr. SMOOT. Has the Senator in his mind the idea that the committee has refused to recommend a pension of \$50 per month in this case?

Mr. GALLINGER. I have that in mind; yes.

Mr. SMOOT. I want to say to the Senator that the bill provides \$50 a month pension for the widow of Gen. Porter.

Mr. GALLINGER. Yes; the committee has so reported, but the chairman of the committee insists that the bill ought not to pass. That is what I am addressing myself to—the attitude of the chairman of the committee. The chairman of the committee wants this woman to remain on the pension roll at \$12 per month.

I have a little list here, to which I will refer in a moment. I remember that the Senate in its wisdom—and it was an act of wisdom, notwithstanding the Senator from North Dakota took precisely the position he does now, in opposition to it—voted \$50 a month to the widow of Admiral Schley. I voted for it. I believed it was right, notwithstanding the rule that the Senator then invoked, which he argued ought to debar her from receiving more than \$12 per month, I suppose.

We are not granting such large pensions now as we did shortly after the war, and I am glad we are not. We then voted \$2,000 a year, in one case, to the widow of an officer not more distinguished than was Gen. Fitz John Porter. I think in several instances pensions of as much as \$2,000 per year were granted—to the widows of Gen. Thomas, Gen. Logan, Gen. Blair,

and others—and a pension of \$2,500 was granted to the widow of Gen. Sheridan. In running over the list I have found a number of cases which I want to put in the RECORD, because they are illuminating. They may not have been wisdom, but they were the action of Congress.

Sallie R. Alexander, widow of Lieut. Col. Thomas L. Alexander, is getting \$50 a month. She is the widow of a lieutenant colonel.

Emily L., widow of Gen. Benjamin Alvord, is getting \$50 a month.

Eliza B., widow of Gen. Robert Anderson, was given \$50 a month, and it was afterwards increased to \$100.

Abby P., widow of Gen. Richard Arnold, is getting \$50 a month.

Juliet Opie H., widow of Col. Romeyn B. Ayers, is getting \$75 a month.

Margaret T., widow of Commander Samuel H. Baker, United States Navy, \$50 a month.

Mary A., widow of Gen. Edward D. Baker, \$50 a month.

Mrs. Mary Palmer Banks, widow of Gen. Nathaniel P. Banks, is getting \$100 a month.

Mary T., widow of Gen. Joseph K. Barnes, \$50 a month.

Elizabeth T. Beall, \$50 a month.

Fannie S., widow of Admiral John C. Beaumont, \$50 a month.

Mary A. Bedel, \$50 a month.

Margaret C., widow of Admiral Henry H. Bell, \$50 a month.

Mrs. Henry A. Benham, widow of Gen. Henry A. Benham, \$50 a month.

Eliza Berry, widow of Gen. Hiram G. Berry, \$50 a month.

Emily B., widow of Gen. Daniel D. Bidwell, \$50 a month.

Maria A., widow of Gen. David B. Birney, \$50 a month.

Sarah M. Bissell, widow of Commodore Simon B. Bissell, \$50 a month.

Sarah R., widow of Paymaster John V. B. Bleecker, \$50 a month—a paymaster in the Navy, I suppose.

Elise Blenker, \$50 a month.

Nancy Carson Blunt, \$75 a month.

Ellen M., widow of Pay Director William Benton Boggs, \$50 a month—I presume a pay director in the Navy.

Henrietta E., widow of Rear Admiral Charles S. Boggs, \$50 a month.

Celestia A., widow of Horace Boughton, \$50 a month.

Leonora A. Boyden, \$50 a month.

Jane D., widow of Capt. Thomas L. Brent, \$50 a month.

Martha C., widow of Capt. Kidder Randolph Breese, \$50—a captain, not a major general.

F. Selina Buchanan, \$50 a month.

Priscilla R. Burns, \$50 a month.

Mrs. Rochie Brien Buell, widow of Gen. George P. Buell, \$50 a month.

Hattie A., widow of Gen. Ward B. Burnett, \$50 a month.

Mr. President, I happen to have information that some of those widows have quite as much property, and in some instances I know more property, than has the widow of Gen. Fitz John Porter. The Senator from Illinois [Mr. CULLOM] reminds me that the widow of Gen. John M. Palmer is receiving \$50 a month, and I recall that fact; and the widow of Gen. McClellan, and a great many others I have not named. I have simply selected a few.

It is sometimes a good thing to break rules. The Senate broke rules when I was chairman of the Committee on Pensions, in many instances overruling me, and I did not find any fault. I wanted to keep down these special pension bills as much as possible. I think they ought to be kept down, and there ought to be great discrimination exercised. But it is a little different when we come to consider a case like this, where a man performed the remarkable services that Gen. Fitz John Porter did in two wars, and left his widow, accustomed to some of the luxuries of life, at least, with a mere pittance, because it is a pittance. Her income is less than girls are receiving as stenographers in the Capitol to-day, and half of what some young men are receiving as clerks to committees in the Capitol to-day.

I submit, Mr. President, that it is hardly worth while for the Senate to spend a great deal of time in coming to the conclusion that this bill, amended as it has been, should be passed. I should have opposed a pension of \$100 a month. But this bill, amended as it has been to \$50 a month, ought not to be opposed by any Senator, and certainly ought not to be defeated by a vote of the Senate.

Mr. McCUMBER. Mr. President, I am constrained to believe that it is always worth while for the Senate to prevent injustice being done; that it is always worth while for the Senate, as nearly as it can, to insist that equal justice shall be done to all persons.

The Senator has read the names of a large number of people who receive pensions of \$50 a month. As is well known, this system of granting private pensions is a system that has been followed for more than half a century. Immediately after the close of the war, when, it seems to me, that perhaps we were swayed more by impulse than we are to-day, but very little attention was paid to the needs of the claimants. Those pensions were voted upon the record of the officer, and upon that record alone.

I should like to ask the Senator from New Hampshire if he knows of a single case in the last quarter of a century in which a private pension bill carrying \$50 per month has been passed for the benefit of a widow who had an income of over \$150 per month?

Mr. GALLINGER. I call the Senator's attention to the bill which I hand to him.

Mr. McCUMBER. The Senator refers to the case of the widow of Admiral Schley. I do not remember now just what her income was. I stated but a short time ago that that was one of the cases in which the Senate had made an exception and had granted a pension in a case where I thought it ought not to be granted, on account of the income that was being received.

Mr. President, the Senate has that power. It has the power to make any kind of precedent it sees fit to make. If it desires by its vote that the widow of Gen. Hawkins, who has an income of \$1,400 a year, shall receive no additional pension, but that the widow of Gen. Porter, who has an income of over \$1,800 a year, shall receive a pension of \$50 a month, the Senate can do that. There will be at least one vote against that inconsistency and that injustice.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Harriet Pierson Porter."

DEPARTMENT OF PUBLIC HEALTH.

The bill (S. 1) to establish a bureau of health, and for other purposes, was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDENT pro tempore. The bill will go over.

PONCA INDIANS OF OKLAHOMA AND NEBRASKA.

The bill (S. 5169) authorizing the Ponca Tribe of Indians to intervene in the suit of the Omaha Indians in the Court of Claims, and for other purposes, was considered by the Senate as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with amendments, on page 2, line 6, after the word "authorities," to insert "under contract approved by the Commissioner of Indian Affairs and the Secretary of the Interior, in accordance with the provisions of existing law"; and on line 13 to strike out "to decree the fees to be paid to the attorney employed by the Ponca Indians to represent them therein and his associates, such fees to be paid out of any funds of the tribe in the Treasury of the United States," and insert "said court shall decree the amount of the fee to be paid the attorney for the claimant Indians, such amount to be deducted from any money which may be found to be due said Indians: *Provided*, That the amount of the attorney's fee shall not be greater than that named in the approved contract," so as to make the bill read:

Be it enacted, etc., That the Ponca Tribe of Indians, residing in the States of Oklahoma and Nebraska, is hereby authorized and empowered to appear in and be made parties to any suit or suits in the Court of Claims heretofore instituted or which may hereafter be begun under and by virtue of an act of Congress approved June 22, 1910, entitled "An act of Congress authorizing the Omaha Tribe of Indians to submit claims to the Court of Claims," with full rights of appeal as therein provided for other tribes.

In such suits the Ponca Tribe may file such petitions, interventions, answers, or other pleadings as they may be advised are necessary or proper, which pleadings shall be verified by their attorney selected and employed by their tribal authorities under contract approved by the Commissioner of Indian Affairs and the Secretary of the Interior, in accordance with the provisions of existing law, to represent the tribe therein; and the Court of Claims shall have full jurisdiction, legal and equitable, in such suits to hear and determine the rights of the Ponca Indians against the United States and against any other tribe or band of Indians parties thereto; and upon final determination of any such suit said court shall decree the amount of the fee to be paid the attorney for the claimant Indians, such amount to be deducted from any money which may be found to be due said Indians: *Provided*, That the amount of the attorney's fee shall not be greater than that named in the approved contract.

The amendments were agreed to.

Mr. GALLINGER. I was about to inquire, but I see the Senator from Oklahoma [Mr. OWEN] is not in his seat, as to what the fees ordinarily are that are named in the approved contracts. But the Senator from Utah [Mr. SMOOT] suggests that

the bill is all right; and as I know very little about Indian affairs, I will not oppose it at all.

Mr. SMOOT. I will say to the Senator that I took up the question with the department, and the department approves this bill, with the amendments that have just been made.

Mr. GORE. Mr. President, my colleague is absent from the Senate at this time. Personally, I am not familiar with the bill. I have no information in regard to it. I should like to see it reasonably limited, however; but I do not know enough about the measure to propose a proper amendment, if one is necessary.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 3463) to establish a bureau of national parks, and for other purposes, was announced as next in order.

Mr. GALLINGER. Let that bill go over.

The PRESIDENT pro tempore. The Senator from New Hampshire objects, and the bill will go over.

The bill (S. 2371) to amend section 3224 of the United States Compiled Statutes so as to prevent the restraining of the assessment or collection of any tax—State, county, municipal, district, or Federal—was announced as next in order.

Mr. SMOOT. I ask that the bill go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 5455) to establish a system of wireless telegraphy in the Philippine Islands was announced as next in order.

Mr. GRONNA. I ask to have the bill go over.

The PRESIDENT pro tempore. The Senator from North Dakota objects, and the bill will go over.

The bill (S. 5955) for the relief of certain retired officers of the Navy and Marine Corps was announced as next in order.

The PRESIDENT pro tempore. The bill has been heretofore read as in Committee of the Whole.

Mr. CLARKE of Arkansas. Let it be read for information, Mr. President, and then I will see whether or not I wish to object to it.

The Secretary read the bill.

Mr. CLARKE of Arkansas. I object.

The PRESIDENT pro tempore. Objection being made, the bill will go over.

INDIAN ALLOTMENTS.

The bill (H. R. 1332) regulating Indian allotments disposed of by will was considered as in Committee of the Whole.

The PRESIDENT pro tempore. The bill has already been considered as in Committee of the Whole, and an amendment submitted by the Senator from Washington [Mr. JONES] was agreed to. If not so desired, the amendment will not be again stated, and the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

BILLS, ETC., PASSED OVER.

The bill (S. 5863) for the retirement of employees in the civil service, and for other purposes, was announced as next in order.

Mr. JOHNSTON of Alabama and Mr. OLIVER. Let the bill go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 4654) to regulate contracts for the future delivery of cotton was announced as next in order.

Mr. LODGE. Let the bill go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 6109) for the protection and increase of State game resources was announced as next in order.

Mr. SMITH of Arizona. Let the bill go over.

The PRESIDENT pro tempore. The bill goes over under objection.

The bill (S. 5069) to promote the efficiency of the enlisted personnel of the United States Navy was announced as next in order.

Mr. CLARKE of Arkansas. I object to that bill.

The PRESIDENT pro tempore. Under objection, the bill goes over.

The bill (S. 93) to establish a botanical laboratory at Denver, Colo., was announced as next in order.

Mr. LODGE. Let that go over.

The PRESIDENT pro tempore. The bill goes over under objection.

The bill (S. 2344) to pay the balance due the loyal Creek Indians on the award made them by the Senate on February 16, 1903, was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDENT pro tempore. Upon objection, the bill goes over.

The bill (S. 2845) to acquire certain land in Washington Heights for a public park to be known as McClellan Park was announced as next in order.

Mr. GRONNA. Let that go over.

The PRESIDENT pro tempore. The bill goes over under objection.

The next business on the calendar was the motion of Mr. POINDEXTER that the Senate Committee on Interstate Commerce be discharged from the further consideration of S. 3297, to abolish the Commerce Court, etc., and that said bill be placed upon the calendar, under Rule VIII, for consideration by the Senate.

Mr. GALLINGER. Let that go over.

The PRESIDENT pro tempore. The motion goes over under objection.

The bill (S. 7030) to provide for a permanent supply of coal for the use of the United States Navy and other governmental purposes; to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 6896) to reopen and extend certain letters patent granted to Richard B. Painton; to insert certain claims in said letters patent dated May 9, 1899, was announced as next in order.

Mr. GALLINGER. Let that go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 2518) to provide for raising the volunteer forces of the United States in time of actual or threatened war was announced as next in order.

Mr. McCUMBER. Let that go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 6172) to regulate the method of directing the work of Government employees was announced as next in order.

Mr. McCUMBER. Let that go over.

The PRESIDENT pro tempore. The bill will go over under objection.

The bill (S. 4043) to prohibit interstate commerce in intoxicating liquors in certain cases was announced as next in order.

Mr. GALLINGER. Let that go over under Rule IX.

Mr. LODGE. That is a special order.

Mr. GALLINGER. It is; but let it go under Rule IX.

Mr. KENYON. The bill is a special order, and a time has been fixed by unanimous consent for a vote upon it.

Mr. GALLINGER. It will not affect it at all if it goes under Rule IX.

The PRESIDENT pro tempore. Under the suggestion of the Senator from New Hampshire, without objection the bill will go to the calendar under Rule IX.

FREDERICK H. FERRIS.

The bill (H. R. 21524) for the relief of Frederick H. Ferris was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, on page 1, lines 9 and 10, to strike out "28th day of February, 1865," and insert "30th day of December, 1864," so as to make the bill read:

Be it enacted, etc., That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Frederick H. Ferris shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a second lieutenant of the Seventy-fourth Regiment United States Colored Infantry on the 30th day of December, 1864: *Provided,* That no pension shall accrue prior to the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 6812) to amend section 3 of an act entitled "An act to provide for the allotment of land in severalty," etc., approved February 28, 1891, was announced as next in order.

Mr. McCUMBER. Let that go over.

The PRESIDENT pro tempore. The bill will go over under objection.

The next business on the calendar was S. Res. 362, for an investigation into the expenditures of the Forest Service and the appointment of a committee for that purpose.

Mr. SMOOT. I desire to ask a question of the Senator who introduced the resolution. I notice that he is not present in the Chamber. For that reason I ask that it may go over to-day.

The PRESIDENT pro tempore. The resolution will go over under objection.

The bill (H. R. 22913) to create a department of labor was announced as next in order.

Mr. SMOOT. Let that go over to-day, Mr. President.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 223) to provide for the inspection and grading of grain entering into interstate commerce, and to secure uniformity in standards and classification of grain, and for other purposes, was announced as next in order.

Mr. CLARKE of Arkansas. Let that go over.

The PRESIDENT pro tempore. The bill will go over.

Mr. CRAWFORD. As I said this morning, this is a bill in which the producers of cereals and shippers of grain in the Northwest are very much interested. They have been pressing upon Congress for some time—

Mr. CLARKE of Arkansas. Let me say—

Mr. CRAWFORD. I was going to ask that some day certain be fixed when we might take up this bill.

Mr. CLARKE of Arkansas. I have no objection to its being taken up at any time. I was requested to interpose an objection on behalf of the senior Senator from Maryland [Mr. SMITH]. Whenever he is present I will be very glad to turn the matter over to him.

Mr. LODGE. I object to the consideration of the bill.

The PRESIDENT pro tempore. Under objection the bill goes over.

The bill (H. R. 24153) to amend and reenact section 5241 of the Revised Statutes of the United States was announced as next in order.

Mr. PENROSE. Let that go over.

The PRESIDENT pro tempore. The bill goes over under objection.

The bill (S. 3345) to amend the act of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies" was announced as next in order.

Mr. GALLINGER. Let that go over.

The PRESIDENT pro tempore. The bill goes over under objection.

FIRST LIEUTENANT SYDNEY SMITH.

The bill (S. 7288) to authorize the transfer of First Lieut. Sydney Smith from retired to the active list of the Army was announced as next in order.

Mr. SMOOT. If the Senator reporting that bill is present I should like to have some explanation as to the reason for it. I do not see that Senator in the Chamber. I ask that the bill may go over.

Mr. GALLINGER. That is a bill in which some friends of mine are interested. I do not rise to ask for action on it. It was reported without a written report, which is unfortunate, and I am going to move that it be recommitted to the committee. We never will pass it in its present form without a report.

The PRESIDENT pro tempore. The Senator from New Hampshire moves that the bill be recommitted to the Committee on Military Affairs.

The motion was agreed to.

BILLS, ETC., PASSED OVER.

The next business on the calendar was Senate resolution 375, proposing to discharge the Committee on the Judiciary from further consideration of the concurrent resolution (S. Con. Res. 4) instructing the Attorney General of the United States to prosecute the Standard Oil Co. and the American Tobacco Co.

Mr. CLARKE of Arkansas and Mr. GALLINGER. Let that go over.

The PRESIDENT pro tempore. The resolution goes over under objection.

The bill (H. R. 16461) to regulate judicial procedure of the courts of the United States was announced as next in order.

Mr. CATRON. Let that go over.

The PRESIDENT pro tempore. The bill goes over under objection.

The bill (H. R. 25741) amending section 3392 of the Revised Statutes of the United States, as amended by section 32 of the act of August 5, 1900, was announced as next in order.

Mr. KENYON. I ask that that bill may go over.

The PRESIDENT pro tempore. Being objected to, the bill goes over.

PROTECTION OF WATER SUPPLY IN COLORADO.

The bill (H. R. 23293) for the protection of the water supply of the city of Colorado Springs and the town of Manitou, Colo., was announced as next in order.

Mr. SMOOT. The Senator from Wyoming [Mr. CLARK] is not in the Chamber, and I understand that he desires to make a statement before the bill shall pass.

Mr. GUGGENHEIM. I have not been informed by the Senator from Wyoming that he objects to the bill. The fact is that the Senator from Wyoming is upon the Committee on Public Lands. If I remember correctly, I attended the meeting, and that Senator at that time voted in favor of this bill. I do not think, therefore, the Senator from Utah is justified in bringing up the question at this time.

Mr. SMOOT. I am justified in bringing up the question if there are a number of Senators who have stated that they wish to express their views on the bill when it comes before the Senate. While they voted to report it to the Senate many of them thought that the land ought to be given directly to the cities, rather than have a joint administration of the cities and the Government. The Senator from Colorado was at the committee meeting, and I suppose he remembers very well that that was the position of a great many Senators there.

Mr. GUGGENHEIM. My recollection is that there was one Senator who objected at the time, and he has since withdrawn his objection. I should like very much to have the bill considered. It has been on the calendar for some time. It has passed the House, and is a very meritorious and a very just bill. I feel constrained to move, notwithstanding the objection of the Senator from Utah, that the bill be taken up.

Mr. GALLINGER. The Senator can not make that motion.

Mr. SMOOT. Of course, not under the rule we are proceeding, but I am not going to object to the consideration of the bill, after listening to the statement of the Senator from Colorado, any further than to say that I believe it was a very bad practice to establish to grant certain lands in any forest reserve for the protection of a watershed unless you grant it directly to the city and allow the city or cities, as the case may be, to control it.

In this bill we provide that there shall be a joint control between the city of Manitou and the city of Colorado Springs with the Forest Service. I think myself that it is rather a bad practice.

Now, that is all I want to say in relation to the bill, and I am not going to object to the present consideration of it.

Mr. GUGGENHEIM. Mr. President, the mayor of the city of Colorado Springs was in the city and appeared before the committee in reference to this bill. It received the support of that gentleman and also of the department. There is a very exhaustive report with the bill, and from what I can see it is a very meritorious measure. I trust that it may pass.

Mr. SMOOT. The mayor of the city would be more than pleased if the lands were given outright to the city and allow them to control them and patrol them in the future. There is not any question about that. But they did not think it could be passed in the House in that shape, and therefore the bill is here giving joint control to the cities and the Department of Agriculture.

Mr. GRONNA. I should like to ask the Senator from Utah a question. Has it been the policy of the department to administer lands in this way?

Mr. SMOOT. This is the first measure I remember passing the Senate where there was joint control of a watershed between cities and the Department of Agriculture.

Mr. GRONNA. The Senator from Utah is chairman of the Committee on Public Lands. Of course, he knows what the policy of the department is in this respect. May I ask him if it is the policy of the department to give the lands outright to the cities where needed for a watershed?

Mr. SMOOT. Time and again we have passed bills here for different cities within Colorado allowing the cities to buy the land at \$1.25 an acre, but this bill provides that there shall be certain lands, I forget how many thousand acres, set aside for the purpose of the protection of watersheds at Colorado Springs and in Manitou, but it does not provide for the purchase of the lands. The lands are set apart for that purpose, and the joint control and patrol of them is to be in the future between the two cities and the Department of Agriculture.

I want to say to the Senator from Colorado, I am in sympathy with the idea and with what is to be accomplished by this bill, but to get it through Congress the mayor of Colorado Springs thinks that the bill provides now the only way of doing so at the present session of Congress.

Mr. GUGGENHEIM. This bill has passed the House of Representatives.

Mr. SMOOT. Yes; it passed the House of Representatives, but if it went into conference with any other provision they were afraid the House would not agree to it, and therefore we could not get it through at this session.

Mr. GUGGENHEIM. I should think that the Senator from Utah would permit the Senator from Colorado to take that chance.

Mr. SMOOT. I am not objecting to the consideration of the bill now. I have made my statement, and it shall pass as far as I am concerned. I was only answering the question of the Senator from North Dakota [Mr. GRONNA].

Mr. GALLINGER. If the Senator from Colorado will permit me, I observe that the department recommends the passage of the bill with an amendment which has been incorporated in the bill, and that the Interior Department says that consultation has been had with the Secretary of Agriculture, and he likewise approves of it.

Mr. GUGGENHEIM. Both the departments approve of it—the Agricultural Department and the Interior Department. As I have said, it is a very meritorious bill, and it is of a local nature.

Mr. GRONNA. May I ask the Senator from Colorado if the bill as it passed the House is, in substance, the same as the bill we now have before us?

Mr. GUGGENHEIM. This is the House bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with amendments.

The first amendment was, in section 3, page 6, line 19, after the word "by," to strike out "the Secretary of Agriculture in cooperation with" and to insert "and at the expense of," and in line 21, after the word "Manitou," to insert "under the supervision of the Secretary of Agriculture," so as to make the section read:

SEC. 3. That the lands heretofore described and reserved for municipal water-supply purposes shall be administered by and at the expense of the city of Colorado Springs and the town of Manitou, under the supervision of the Secretary of Agriculture, for the purpose of storing and conserving the water supply, protecting them from pollution, and preserving the timber on said lands to more fully accomplish such purposes, and to that end said city and town shall each have the right, subject to approval by the Secretary of Agriculture, to the use of any and all parts of the lands reserved for them, respectively, for the storage and conveying of water, and the construction and maintenance thereon of reservoirs, pipes, mains, conduits, and other like improvements.

The amendment was agreed to.

The next amendment was, in section 5, page 7, line 24, after the word "heretofore," to insert "or hereafter"; in the same line, after the word "any," to insert "municipality"; and on page 8, line 1, after the word "thereof," to strike out "and now existing under and by virtue of the laws of the United States or of the State of Colorado" and to insert "or the water thereof," so as to make the section read:

SEC. 5. That this act shall be subject to all legal rights heretofore or hereafter acquired by any municipality, person, or persons in or to the above-described premises, or any part thereof, or the water thereof.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

INCOME TAX.

Mr. BROWN. Mr. President, I am pleased to inform the Senate that advices from the States of Wyoming and Delaware to-day are to the effect that the income-tax amendment has been ratified by both States. The joint resolution originated in the Senate, and I congratulate the Senate on the part it played. The joint resolution having been favored by a special message by the President of the United States, I congratulate him, and I congratulate the American people on having ratified this, the sixteenth amendment to the Constitution.

SWAMP LAND IN NEVADA.

The bill (S. 4994) to authorize the inclosure of certain lands in the State of Nevada containing dangerous quagmires was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill will go over.

HARRY S. WADE.

The bill (H. R. 15181) for the relief of Harry S. Wade was announced as the next in order.

Mr. CRAWFORD. Mr. President, I wish to say that is a very appealing case of personal injury. A laborer on the Government works out on one of the coast rivers lost his sight entirely and is almost totally deaf because of an explosion in

some dredging operations there in which there was negligence on the part of some of the employees above him.

This bill passed the House and came to the Senate and was reported to the Senate before the close of the last session in August. It was amended there by reducing the amount, and afterwards when a more complete statement of the facts was reported they appealed so strongly to the members of the committee that it was recalled after having been passed with this amendment, for the purpose of having it reconsidered so that the Senate might have an opportunity to pass it just as the House passed it.

A motion to reconsider has never in form been made, and I now move to reconsider the vote by which the amendment was adopted and the bill passed by the Senate at the last session, so that we may have it before the Senate for the purpose of passing it in the same form in which it passed the House. I make that motion.

The PRESIDENT pro tempore. What is the motion the Senator makes?

Mr. CRAWFORD. Pursuant to a notice which I gave some time ago, I move to reconsider the vote by which the Senate amended the bill H. R. 15181.

The PRESIDENT pro tempore. The Chair would suggest to the Senator that it is necessary to move to reconsider the vote by which the Senate passed the bill.

Mr. CRAWFORD. Very well; I put it, then, in that form. I want to put it in the right way, of course.

The PRESIDENT pro tempore. The question is on the motion of the Senator from South Dakota that the Senate reconsider the votes by which the bill was read the third time and passed by the Senate.

The motion to reconsider was agreed to.

The PRESIDENT pro tempore. The bill is before the Senate and the question is, the Chair presumes, upon the motion the Senator now makes.

Mr. CRAWFORD. What I desire is to abandon the amendment by which the amount was reduced from \$2,500 to \$1,500. This is a workman who, as a result of the explosion, lost his sight, both eyes absolutely, and his hearing is also practically destroyed, and the physicians so report. It comes to us through the department.

The PRESIDENT pro tempore. The question is upon the motion to reconsider the vote by which the amendment of the committee was adopted.

The motion to reconsider was agreed to.

Mr. CRAWFORD. I ask that the amendment be rejected.

The PRESIDENT pro tempore. The affirmative is always put. The question is on the amendment which was proposed by the committee.

The amendment was rejected.

Mr. CRAWFORD. Now I ask that the bill be put upon its passage as it came from the House.

The bill was ordered to a third reading, read the third time, and passed.

CONNECTICUT RIVER DAM.

The bill (S. 8033) to authorize the Connecticut River Co. to relocate and construct a dam across the Connecticut River above the village of Windsor Locks, in the State of Connecticut, was announced as next in order on the calendar.

Mr. GALLINGER. Let that go over.

The PRESIDENT pro tempore. The bill goes over on objection.

PROTECTION OF INTERSTATE SHIPMENTS.

The bill (H. R. 10450) to punish the unlawful breaking of seals of railroad cars containing interstate or foreign shipments, the unlawful entering of such cars, the stealing of freight and express packages or baggage or articles in process of transportation in interstate shipment, and the felonious asportation of such freight or express packages or baggage or articles therefrom into another district of the United States, and the felonious possession or reception of the same, was announced as next in order.

Mr. CLARKE of Arkansas. Mr. President, at the last session of the Senate when the calendar was considered I objected to this bill, not because I did not recognize the fact that it covered a subject matter which needed legislation, but because of my scruples against leaving to the Federal Government any more doubtful authority. In respect to the constitutionality of this bill it falls within the so-called twilight zone, which is gradually disappearing by surrender to the National Government in response to a demand for effective remedies for developed evils with which the State authorities seem wholly incompetent to deal.

It is said to be a fact by those whose investigations have covered the subject somewhat comprehensively that the break-

ing into interstate cars has become an evil of such magnitude that the State authorities are either unwilling or unable to deal with it, and that some remedy ought to be extended against a gang, band, or association of persons in existence who depredate upon property of that character. My whole trend of thought is in the direction of an effective Government. I am in favor of a Government that will govern, and I am in favor of an effective remedy wherever there is a developed evil that can not be successfully coped with. My scruples therefore are somewhat elastic, and in this particular case I am disposed to yield to the evident justice of the case and permit this bill to pass, and I intend to vote for it.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments.

The amendments were, on page 3, line 13, after the word "judgment," to strike out "or" and insert "of," and, in line 14, after the word "conviction," to insert "or acquittal on the merits," so as to make the bill read:

Be it enacted, etc., That whoever shall unlawfully break the seal of any railroad car containing interstate or foreign shipments of freight or express, or shall enter any such car with intent, in either case, to commit larceny therein; or whoever shall steal or unlawfully take, carry away, or conceal, or by fraud or deception obtain from any railroad car, station house, platform, depot, steamboat, vessel, or wharf, with intent to convert to his own use any goods or chattels moving as, or which are a part of or which constitute, an interstate or foreign shipment of freight or express, or shall buy, or receive, or have in his possession any such goods or chattels, knowing the same to have been stolen; or whoever shall steal or shall unlawfully take, carry away, or by fraud or deception obtain, with intent to convert to his own use, any baggage which shall have come into the possession of any common carrier for transportation from one State or Territory or the District of Columbia to another State or Territory or the District of Columbia, or to a foreign country, or from a foreign country to any State or Territory or the District of Columbia, or shall break into, steal, take, carry away, or conceal any of the contents of such baggage, or shall buy, receive, or have in his possession any such baggage or any article therefrom of whatsoever nature, knowing the same to have been stolen, shall in each case be fined not more than \$5,000 or imprisoned not more than 10 years, or both, and prosecutions therefor may be instituted in any district wherein the crime shall have been committed. The carrying or transporting of any such freight, express, baggage, goods, or chattels from one State or Territory or the District of Columbia into another State or Territory or the District of Columbia, knowing the same to have been stolen, shall constitute a separate offense and subject the offender to the penalties above described for unlawful taking, and prosecutions therefor may be instituted in any district into which such freight, express, baggage, goods, or chattels shall have been removed or into which they shall have been brought by such offender.

Sec. 2. That nothing in this act shall be held to take away or impair the jurisdiction of the courts of the several States under the laws thereof; and a judgment of conviction or acquittal on the merits under the laws of any State shall be a bar to any prosecution hereunder for the same act or acts.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

LANDS IN MONTANA.

The bill (S. 3130) to authorize the Secretary of the Interior to permit the Conrad-Stanford Co. to use certain lands was announced as next in order.

Mr. CLARK of Wyoming. I think that bill may, perhaps, give rise to some discussion. I object to its consideration.

The PRESIDENT pro tempore. The bill goes over under objection.

Mr. MYERS. I realize that Senators are probably not prepared to-day to discuss the bill, but if it does not meet with any objection I should like to have the bill set down for consideration on some certain day in the future.

Mr. CLARK of Wyoming. I do not know that I would object to that, but I am pretty sure that the discussion will take a very wide range.

Mr. MYERS. That is my object in asking to have the bill set down for consideration on some certain day, so that those who wish to express their views may have time to do so, which they probably would not have to-day.

Mr. CLARK of Wyoming. It occurs to me, Mr. President, that unanimous consent, perhaps, could not well be given while the Senate is so thin as it is at present.

Mr. MYERS. I must say I do not hear what the Senator says.

Mr. CLARK of Wyoming. I think I shall object.

The PRESIDENT pro tempore. The Senator from Wyoming objects.

CIGARS FURNISHED EMPLOYEES BY MANUFACTURERS.

Mr. BRYAN. When Calendar No. 949, being House bill 25741, was called, I understood the Chair to say that objection was made, but I am informed that the Senator from Iowa [Mr. KENYON] did not object to that calendar number, so I make the request that it be again called.

Mr. KENYON. My objection was intended to apply to Order of Business No. 942 and not to Order of Business No. 949.

The PRESIDENT pro tempore. Objection having been made inadvertently, the Secretary will again state Order of Business No. 949.

The SECRETARY. A bill (H. R. 25741) amending section 3392 of the Revised Statutes of the United States, as amended by section 32 of the act of August 5, 1900.

Mr. ROOT. I think that bill had better go over, Mr. President.

The PRESIDENT pro tempore. The bill goes over, under objection.

Mr. LODGE. Mr. President, I should like to make an appeal to have that objection withdrawn. All that the great mass of this bill does is to merely reenact existing law. The only thing it does is to permit the continuance of a custom which is as old as the trade. The workmen are allowed to have one or two cigars that are spoiled, that are not perfectly rolled. They are known as "smokers." This is to permit the workmen to have those cigars without tax. The law has been recently interpreted that those "smokers" should be taxed, and this is to exempt them from taxation. I believe it is a thoroughly just bill. The committee considered it very carefully and I hope it may be allowed to go through.

Mr. PENROSE. I wish to add, Mr. President, to what the Senator from Massachusetts has said, that such cigars are taken for the consumption of the workmen; they are not sold.

Mr. LODGE. That is entirely right. They are not taken for sale; they are taken only for the consumption of the workmen.

Mr. PENROSE. It seems to me to be a good standard for a cigar when the maker smokes it and can stand it. [Laughter.]

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. ROOT. I withdraw my objection.

The PRESIDENT pro tempore. The objection is withdrawn.

The Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend section 3392 of the Revised Statutes of the United States, as amended by section 32 of the act of August 5, 1900, to read as follows:

Sec. 3392. All cigars weighing more than 3 pounds per thousand shall be packed in boxes not before used for that purpose containing, respectively, 5, 10, 12, 13, 25, 50, 100, 200, 250, or 500 cigars each; and every person who sells, or offers for sale, or delivers, or offers to deliver, any cigars in any other form than in new boxes as above described, or who packs in any box any cigars in excess of or less than the number provided by law to be put in each box, respectively, or who falsely brands any box, or affixes a stamp on any box denoting a less amount of tax than that required by law, shall be fined for each offense not more than \$1,000, and be imprisoned not more than two years: *Provided*, That nothing in this section shall be construed as preventing the sale of cigars at retail by retail dealers from boxes packed, stamped, and branded in the manner prescribed by law: *Provided further*, That each employee of a manufacturer of cigars shall be permitted to use, for personal consumption and for experimental purposes, not to exceed 21 cigars per week without the manufacturer of cigars being required to pack the same in boxes or to stamp or pay any internal-revenue tax thereon, such exemption to be allowed under such rules and regulations as the Secretary of the Treasury may prescribe: *And provided further*, That every manufacturer of cigarettes shall put up all the cigarettes that he manufactures or has manufactured for him and sells or removes for consumption or use in packages or parcels containing 5, 8, 10, 15, 20, 50, or 100 cigarettes each, and shall securely affix to each of said packages or parcels a suitable stamp denoting the tax thereon, and shall properly cancel the same prior to such sale or removal for consumption or use, under such regulations as the Commissioner of Internal Revenue shall prescribe; and all cigarettes imported from a foreign country shall be packed, stamped, and the stamps canceled in like manner, in addition to the import stamp indicating inspection of the customhouse before they are withdrawn therefrom.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEGAL REPRESENTATIVES OF SAMUEL SCHIFFER.

The bill (H. R. 8861) for the relief of the legal representatives of Samuel Schiffer was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and to insert:

That the claim of the legal representatives of Samuel Schiffer, growing out of the purchase by the late firm of J. Schiffer & Co., of New York, of certain lots of cotton registered as turned over to or seized by the United States authorities at Savannah, Ga., about January, February, and March, 1865, in the names of Kesiah Hall, M. Rich, Mrs. John (Catherine) Ruckert, A. Fawcett, Mary Haley, John Elkan, A. B. Wessolowsky, Lewis Levi, Raphael Cohen, Simon (or Solomon) Cotner, L. Hohenstein, S. W. Silverhill, Mrs. H. M. Kenney, and Mrs. Henry (Hannah) Fowler, be, and the same is hereby, referred with all accompanying papers to the Court of Claims, and jurisdiction is hereby conferred on said court to hear and determine the same, and to enter judgment for any amount found to be due as the net proceeds of the sale of said cotton or any part thereof. Said court is hereby authorized to consider said claim under the provision of section 162 of the act of March 3, 1911 (36 Stats., 1135, the Judicial Code), and to adjudge said claim, the act of July 2, 1864 (13 Stat. L., 376), and all other nonintercourse laws to the contrary notwithstanding.

Mr. SMOOT. Mr. President, I should like to ask the Senator who reported the bill if the amendment simply allows the claim to be referred to the Court of Claims, or does it give the Court of Claims any authority whatever to enter a judgment, to be paid by the Government without an act of Congress?

Mr. OLIVER. It does, Mr. President. It allows the Court of Claims to pass upon the merits of the claims, to make an award, and to enter judgment against the Government, to be paid without further action of Congress.

Mr. CRAWFORD. Does it allow an appeal to the Supreme Court?

Mr. OLIVER. Of course, at least it does not prevent it, and I assume that an appeal would lie in any event.

Mr. CRAWFORD. I presume it would.

Mr. OLIVER. If not, the bill can be so amended as to provide that an appeal will lie to the Supreme Court.

Mr. President, I may say that the bill as passed by the other House provided for the payment of \$62,158.34; but when the bill was referred to me by the Committee on Claims, upon examination of the matter, while I was thoroughly satisfied of the justice of the claim, it seemed to me there were certain facts in connection with some of the claims, but only a small part of the claims, that ought to be inquired into by a court. I therefore reported to the committee that instead of providing for the direct payment of the claim it should be referred to the Court of Claims for consideration.

I will state that this claim has been before four different Congresses, has passed the Senate once or twice, and has passed the other House in the present Congress, and it now rests with us. The money has actually been in the Treasury of the Government ever since 1865, and the claim ought to be paid. It is a just claim; but in order to be absolutely certain about it, I thought it was better to refer the matter to the Court of Claims than for Congress to take the responsibility of withdrawing the money directly from the Treasury.

Mr. GALLINGER. Did I understand the Senator to say that the House bill provides for direct payment of the claim?

Mr. OLIVER. The House bill provides for direct payment of the claim without qualification. My amendment substitutes for that a provision for reference to the Court of Claims.

Mr. SMOOT. I should like to ask the Senator if the claim has ever been before the Court of Claims?

Mr. OLIVER. A part of this claim was before the Court of Claims and judgment awarded. It was appealed to the Supreme Court of the United States solely upon the question of the nonintercourse law which prevailed at that time, and it was reversed by the Supreme Court.

This cotton, Mr. President, was purchased somewhat under color of the authority of President Lincoln himself. The more I investigated the claim the better I became satisfied of its justice, except perhaps as to certain items of it. It may be that, upon inquiry by the Court of Claims, some of the items will be thrown out and the award will be for not so great a sum as is provided by the House bill. That is the only doubt that I have upon the subject.

Mr. SMOOT. I was going to say, Mr. President, that if the claim has already been before the Court of Claims and judgment has been awarded there, if sent back to the Court of Claims, perhaps the same judgment will be rendered. It seems to me that as the amendment is framed it would preclude the Government from appealing to the Supreme Court of the United States, for it reads:

And the same is hereby referred with all accompanying papers to the Court of Claims, and jurisdiction is hereby conferred on said court to hear and determine the same, and to enter judgment for any amount found to be due as the net proceeds of the sale of said cotton or any part thereof.

Mr. OLIVER. I would suggest that at the end of that clause there be inserted an additional amendment providing for an appeal to the Supreme Court of the United States. There is no objection to that.

Mr. SMOOT. If that be put in so that there will be no doubt as to right of appeal, I will not object to the consideration of the bill.

Mr. OLIVER. Then, Mr. President, I move that the committee amendment be amended by inserting after the word "thereof," in line 15, on page 2, the words:

The said judgment to be subject to an appeal to the Supreme Court of the United States.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

MOTOR BOAT FOR CUSTOMS SERVICE.

The bill (H. R. 23549) to provide for the construction or purchase of motor boat for customs service was considered as in Committee of the Whole. It directs the Secretary of the Treasury to construct or purchase one gasoline motor boat for service in the customs collection district of Corpus Christi, Tex., at a cost not to exceed \$6,000, but the Secretary of the Treasury may use the boat elsewhere than at Corpus Christi, as the exigencies of the service may require.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE L. THOMAS.

The bill (S. 7488) for the relief of George L. Thomas was considered as in Committee of the Whole. It directs the Postmaster General to credit to the accounts of George L. Thomas, postmaster at New Bethlehem, Pa., \$5,711.93, and to certify the said credit to the Auditor for the Post Office Department, that being the amount of money-order funds embezzled by Ella E. Latimer, an employee in the post office, without fault or negligence on the part of George L. Thomas, and appropriates \$5,711.93 for the payment of the claim.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN AID OF PUBLIC SCHOOLS.

The bill (S. 6507) to further assure title to lands granted the several States, in place, in aid of public schools was considered as in Committee of the Whole. It provides that where a grant of lands in place has heretofore been made or may hereafter be made to any State in aid of public schools the governor of any such State may cause to be listed with the Secretary of the Interior any sections or parts of sections so granted, and it shall be the duty of the Secretary of the Interior to examine such lists, and if the lands are found to be of the character so granted and free from valid adverse claim, initiated prior to the survey of the township in which they are situated, to certify them to the State entitled thereto in further assurance of title; but no such list shall be certified until the State shall have published, for a period of 30 days in a newspaper of general circulation in the vicinity of the land, a notice of the filing thereof, and as to lands hereafter surveyed such publication shall not be made until after the expiration of three months from the filing of the township plat of survey in the district land office. Nothing herein contained shall be construed to postpone the time of the attachment of the grant of such lands under existing law.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. LODGE the title was amended so as to read: "A bill further to assure title to lands granted the several States, in place, in aid of public schools."

CORVALLIS AND YAQUINA BAY MILITARY WAGON ROAD.

The bill (H. R. 8151) providing for the adjustment of the grant of lands in aid of the construction of the Corvallis and Yaquina Bay military wagon road, and of conflicting claims to lands within the limits of said grant, was announced as next in order.

Mr. BURTON. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over on the objection of the Senator from Ohio.

Mr. CHAMBERLAIN. Mr. President, I trust the Senator will withdraw the objection. There is no adverse report on the bill, and it is merely a local measure.

Mr. BURTON. My objection was based on the portion of the report made by the Secretary of the Interior on the bill, in which he says:

In conclusion the department must report adversely upon a bill which would permit selection of more than 9,000 acres, and suggests that if legislation is to be had relative to the adjustment of this grant any further measure of relief extended should not permit of selection in excess of 1,848.84 acres, and such selections should be restricted to the unreserved, unoccupied, nonmineral, surveyed public lands of the United States in the State of Oregon subject to homestead entry.

Mr. CHAMBERLAIN. Mr. President, if the Senator will look at the bill further he will find that it has been amended to conform exactly to the report of the Secretary of the Interior. There is no question about it.

Mr. SMOOT. If the Senator will allow me a moment, the first section of the bill provides:

That the Secretary of the Interior be, and he is hereby, authorized and directed to cause patents to be issued conveying to the administrator of the estate of T. Egerton Hogg 1,848.84 acres.

That is the number of acres, as the Senator from Ohio will notice, which the Secretary says should be allowed to be selected.

Mr. BURTON. Do the Senator from Oregon and the Senator from Utah state that this bill is now in the form approved by the Secretary of the Interior?

Mr. SMOOT. It is.

Mr. CHAMBERLAIN. Yes. If it is not, I will be very glad to withdraw my approval of it at any time.

Mr. BURTON. Then, I will make no further objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSISSIPPI RIVER BRIDGES AT MINNEAPOLIS, MINN.

The bill (S. 8248) to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn., was considered as in Committee of the Whole. It proposes to extend the time for commencing and completing the construction of the bridge authorized by the act of Congress approved January 27, 1912, to be built across the Mississippi River, from the intersection of Nineteenth Avenue south and Bluff Street to the intersection of Tenth and University Avenues southeast, in the city of Minneapolis, Minn., to one year and three years, respectively.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. LODGE. Mr. President, I suggest that the next three bills are precisely the same as the bill just passed, providing for extending the time for the construction of bridges at Minneapolis at different points, and I ask unanimous consent that all three bills may be read the third time and passed. As I have said, they are exactly the same, except as to the location of the bridges.

Mr. GALLINGER. I will have to object to that, Mr. President. Let the bills be taken up in order.

The PRESIDENT pro tempore. The bills will have to be considered in their order.

The bill (S. 8249) to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The bill (S. 8251) to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The bill (S. 8250) to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ROCK RIVER BRIDGE AT COLONA FERRY, ILL.

The bill (H. R. 27157) granting an extension of time to construct a bridge across Rock River at or near Colona Ferry, in the State of Illinois, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

The joint resolution (H. J. Res. 226) for the appointment of three members of the Board of Managers of the National Home for Disabled Volunteer Soldiers was announced as next in order.

Mr. CLARKE of Arkansas. I understand the senior Senator from Missouri [Mr. STONE] desires to be present when that joint resolution is considered. For that reason I object to its present consideration.

The PRESIDENT pro tempore. The joint resolution will go over under objection.

CHARLES S. JACKSON.

The bill (H. R. 20385) to reimburse Charles S. Jackson was considered as in Committee of the Whole. It proposes to appropriate \$82 to reimburse Charles S. Jackson, late Lieutenant, Eleventh Regiment United States Cavalry, for the amount paid by him by deduction from his pay as Lieutenant for hire of a mount, equipments, and forage under the order of the chief quartermaster at Atlanta, Ga., dated the 5th of April, 1910,

which mount and equipments were used by him in connection with progressive military-map work in the Department of the Gulf, to which he had been detailed by proper authority.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC PARK IN THE DISTRICT OF COLUMBIA.

The bill (S. 7772) to authorize the condemnation of land for a park at the intersection of Twenty-sixth Street, Twenty-seventh Street, and Q Street NW., and a highway from said park along the boundary of Oak Hill Cemetery and across the north part of square 1284 to Twenty-ninth and R Streets was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, in section 2, page 2, line 15, after the word "damages," to strike out:

Provided, however, That of the amount found to be due and awarded by the jury in said condemnation proceeding as damages for and in respect of the land to be taken in said condemnation proceeding herein authorized, plus the costs and expenses of the proceeding, not less than one-half thereof shall be assessed by the jury as benefits against those lots, pieces, or parcels of land situate, lying, or being within an assessment area hereby created, which assessment area shall embrace all of the area lying within the distance of 1 mile from any point of said park and connecting highway: *Provided further,* That all land owned by the United States or the District of Columbia lying within said assessment area shall be exempt from assessment; which benefits, when collected, shall be covered into the Treasury of the United States to the credit of the revenues of the District of Columbia and the United States in equal parts.

So as to make the section read:

SEC. 2. That there is hereby appropriated, one-half from the revenues of the District of Columbia and one-half from any money in the United States Treasury not otherwise appropriated, an amount sufficient to pay the necessary costs and expenses of said condemnation proceeding taken pursuant hereto and for the payment of amounts awarded as damages.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MISSISSIPPI RIVER RAILWAY BRIDGE.

The bill (S. 8182) granting to the Inter City Bridge Co., its successors and assigns, the right to construct, acquire, maintain, and operate a railway bridge across the Mississippi River was announced as next in order.

Mr. CUMMINS. Mr. President, that is the bill which was called up this morning by the Senator from Illinois [Mr. Cullom]. An understanding was reached that the bill was not to be considered until we have an opportunity to examine it. Therefore I ask that it go over.

The PRESIDENT pro tempore. The bill will go over under objection.

RESTRAINT OF TRADE.

The bill (H. R. 25002) to amend sections 73 and 76 of the act of August 27, 1894, was announced as next in order.

Mr. SMITH of Maryland. I ask that that bill go over.

The PRESIDENT pro tempore. The bill will be passed over under objection.

Mr. CUMMINS subsequently said: Mr. President, while the Senator from Maryland [Mr. Smith] is here, I desire to give notice that I shall call up for consideration to-morrow morning, after the routine morning business, House bill 25002, being Order of Business 1021. It is a very important measure, and it is thought by those who have proposed it and those who have considered it to be so important that it should be promptly considered. I desired to make that statement before the Senator from Maryland left the Chamber.

Mr. SMITH of Maryland. I will say to the Senator that I do not know that I shall offer any objection whatever to the bill. My object in asking to have it go over was, inasmuch as I had received some letters from constituents calling my attention to it, that I wanted to make some inquiry in regard to the measure.

Mr. CUMMINS. I do not want to call it up before the Senator from Maryland has had full opportunity to examine it; but there is a real and immediate demand for the legislation. I hope the Senator from Maryland will be able to examine it by to-morrow morning.

Mr. SMITH of Maryland. I merely desire to make some inquiry about it. I do not know that I shall object to it at all, and I do not know just whether the inquiries that I have will have any effect at all upon my mind. I merely wanted to ascertain about some features of it.

PENSIONS AND INCREASE OF PENSIONS.

The bill (S. 8274) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was

considered as in Committee of the Whole. It proposes to pension the following named persons at the rates per month stated:

William Q. Mahan, late of Company G, Thirty-third Regiment Illinois Volunteer Infantry, \$50 per month in lieu of that he is now receiving.

Elmer Howe, late of Company L, Twenty-second Regiment New York Volunteer Cavalry, \$24 per month in lieu of that he is now receiving.

Annie George, widow of Philip George, alias Archie Thompson, late of Company G, Thirteenth Regiment Wisconsin Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Flavius J. Jordan, late of Company L, Thirteenth Regiment Missouri Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

Ellen E. Payne, widow of Charles W. Payne, jr., late of Company C, Sixth Regiment Connecticut Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Sarah A. Perkins, widow of George A. Perkins, late of Company A, One hundred and eleventh Regiment New York Volunteer Infantry, \$12 per month.

John Murphy, late of Company C, First Regiment New Hampshire Volunteer Cavalry, \$40 per month in lieu of that he is now receiving.

John M. Guthrie, late of Company B, Twenty-fourth Regiment Iowa Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Fannie L. Graham, widow of John L. Graham, late of Company B, Sixth Regiment Connecticut Volunteer Infantry, \$12 per month.

Reuben Bronson, late of Company E, Forty-eighth Regiment Indiana Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Mary E. Briggs, widow of Benajor A. Briggs, late of Company D, Thirtieth Regiment Wisconsin Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Susannah Elmore, former widow of James B. Long, late of Company G, Ninety-ninth Regiment Indiana Volunteer Infantry, \$12 per month.

John Dodgion, late of Company F, Fifth Regiment Provisional Enrolled Missouri Militia, \$24 per month in lieu of that he is now receiving.

Wiley C. Hunter, late of Company A, Second Regiment North Carolina Volunteer Mounted Infantry, \$24 per month in lieu of that he is now receiving.

James A. Swaney, late of Company D, Fortieth Regiment Missouri Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Aldano Neal, late of Capt. Chandler's company, National Guards, New Hampshire Militia, \$20 per month in lieu of that he is now receiving.

Samuel Elliott, late of Company A, Seventh Regiment Pennsylvania Reserves Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

William Cook, late of Company A, Ninety-fifth Regiment Pennsylvania Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Henry E. Hayes, late second lieutenant Company I, Tenth, Regiment New York Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

Samuel M. Skelton, late of Company F, Ninety-first Regiment Ohio Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Elijah H. Spencer, late of Companies B and H, Twenty-first Regiment Missouri Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

James H. Cowan, late of Company K, Fifteenth Regiment Missouri Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

William H. Chapman, late of Company B, Fourth Regiment West Virginia Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Warner P. Price, late of Company A, Fifteenth Regiment West Virginia Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Jacob Bowser, late of Company C, Fourth Regiment Ohio Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

Henry Basemann, late of Company E, Twelfth Regiment Kansas Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Elmer Joseph, late of Company G, Fifty-third Regiment Pennsylvania Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Lorenzo Birch, late of Company D, Eighty-seventh Regiment Indiana Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Daniel Van Syckel, late of Company I, Forty-seventh Regiment Pennsylvania Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Frederick H. Williams, late of Company I, Thirty-first Regiment Wisconsin Volunteer Infantry, and Company E, Eighteenth Regiment United States Infantry, \$30 per month in lieu of that he is now receiving.

Titus Rexroad, now known as Titus S. Rector, late of Company A, One hundred and twenty-fifth Regiment United States Colored Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Martha A. Johnson, widow of Albert H. Johnson, late of Company H, First Battalion, Fourteenth Regiment United States Infantry, \$20 per month in lieu of that she is now receiving.

John Moulton, late of Company K, Third Regiment Vermont Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

James B. Davis, late quartermaster sergeant Sixth Regiment West Virginia Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Sarah F. Elwell, widow of William H. Elwell, late acting ensign, United States Navy, \$20 per month in lieu of that she is now receiving.

Lyman B. Gillett, late of Company K, Twenty-third Regiment Illinois Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Sarah J. Wilson, former widow of Reason H. Wilson, late of Company G, Fourteenth Regiment West Virginia Volunteer Infantry, \$12 per month.

Oliver Jones, late of Company G, Eighth Regiment Minnesota Volunteer Infantry, \$50 per month in lieu of that he is now receiving.

Abel Grovenor, late captain Company C, Hatch's Independent Battalion Minnesota Volunteer Cavalry, \$50 per month in lieu of that he is now receiving.

Henry Harris, late of Company D, First Regiment West Virginia Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Byron M. Standish, late of Company K, One hundred and forty-fifth Regiment Ohio National Guard Infantry, \$30 per month in lieu of that he is now receiving.

Jane Starrett, widow of William P. Starrett, late of Company F, One hundred and fifty-first Regiment Pennsylvania Volunteer Infantry, \$12 per month.

William H. Warren, late of Company C, Seventeenth Regiment Connecticut Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

George W. Sills, late of Company E, Second Regiment Potomac Home Brigade, Maryland Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

James R. C. Fink, late of Company M, Second Regiment Pennsylvania Volunteer Cavalry, \$36 per month in lieu of that he is now receiving.

Arthur F. McNally, late of Company K, Twelfth Regiment West Virginia Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Walter Niles, late of Company A, Twenty-fourth Regiment Michigan Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Amos R. Sutton, late of Company K, Twenty-sixth Regiment Illinois Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

John H. Howlett, late of Capt. Degge's Company A, Fifth Battalion District of Columbia Militia Infantry, \$12 per month.

George W. Youngs, late of Company D, Sixth Regiment Connecticut Volunteer Infantry, \$50 per month in lieu of that he is now receiving.

Frankie E. Bedell, widow of Byron C. Bedell, late of Company L, Seventh Regiment Michigan Volunteer Cavalry, and Company C, Third Regiment Veteran Reserve Corps, \$20 per month in lieu of that she is now receiving.

Joseph Cole, late of Company F, Thirty-fourth Regiment Indiana Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Jonas Skinner, late of Company E, Eighty-second Regiment Indiana Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

William Monks, late captain Company K, Sixteenth Regiment Missouri Volunteer Cavalry, \$50 per month in lieu of that he is now receiving.

Inger A. Steensrud, widow of Anthon A. Steensrud, alias Anthony Olson, late of Company B, Sixth Regiment Wisconsin Volunteer Infantry, and Company B, Twenty-first Regiment Veteran Reserve Corps, \$20 per month in lieu of that she is now receiving.

Renhard Habig, late of Battery H, First Regiment West Virginia Volunteer Light Artillery, \$24 per month in lieu of that he is now receiving.

Marion O. Brown, late of Company C, Second Regiment Colorado Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

John E. Watkins, late of Company G, Third Regiment Wisconsin Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

Samuel Green, late of Company H, Fifth Regiment United States Colored Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

George H. Batchelder, late of Company D, Fourth Regiment Iowa Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

George H. Torrence, late of Company B, Two hundred and sixth Regiment Pennsylvania Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Levi H. Hahn, late of Company I, Forty-fifth Regiment Pennsylvania Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Joseph Johnson, late of Company B, Eleventh Regiment Connecticut Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Arbell Skaggs, widow of John C. Skaggs, late of Company E, Thirty-seventh Regiment Kentucky Volunteer Infantry, \$12 per month.

Clara H. Scott, widow of David E. Scott, late of Company D, Twenty-third Regiment Ohio Volunteer Infantry, \$12 per month.

Charles W. Ash, late of Company C, Thirty-third Regiment, and Company I, Twenty-sixth Regiment, Kentucky Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

William H. Clouser, late of Company I, Eighty-fourth Regiment Pennsylvania Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Thomas S. Underwood, late of Battery E, Third Regiment United States Artillery, \$24 per month in lieu of that he is now receiving.

Charlotte Lewis McMahon, widow of Michael McMahon, late of Company I, Eighth Regiment New York Volunteer Heavy Artillery, and former widow of Merritt Lewis, late of Company K, Seventh Regiment Michigan Volunteer Cavalry, \$12 per month.

George W. Thompson, late of Company D, Thirty-seventh Regiment Kentucky Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Frederick D. Skinner, late musician, band, Fifth Regiment New York Volunteer Infantry, \$12 per month.

Catherine Benson, widow of Andrew J. Benson, late of Battery B, First Regiment Michigan Volunteer Light Artillery, \$20 per month in lieu of that she is now receiving.

William Putnam, late chaplain One hundred and sixtieth Regiment New York Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Ezekiel R. Thomas, late of Company D, Nineteenth Regiment Maine Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

Lucius E. Fletcher, late of Company H, Fourth Regiment Wisconsin Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

Samuel E. Merriam, late of Company A, Tenth Regiment Vermont Volunteer Infantry, and Battery E, First Regiment United States Artillery, \$24 per month in lieu of that he is now receiving.

William J. Heal, late of Company H, Fourth Regiment, and Company H, Nineteenth Regiment, Maine Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

Andrew E. Clark, late captain Company F, Twenty-sixth Regiment Maine Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Isaac A. Conant, late of Company I, Twenty-sixth Regiment Maine Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Thomas McKenna, late of Company A, First Regiment Connecticut Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

Ophelia A. Comstock, widow of Daniel E. Comstock, late of Company K, Twenty-seventh Regiment Massachusetts Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Mary J. Weeks, widow of William L. Weeks, late of Company I, Third Regiment New Hampshire Volunteer Infantry, and Company K, Fifteenth Regiment, and Company H, Second Regiment, New Jersey Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Luriette S. Case, widow of John E. Case, late of Company E, Sixteenth Regiment Connecticut Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Adaline Minnett, widow of Charles W. Minnett, late of Company F, Twenty-first Regiment New Jersey Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

John G. K. Ayers, late of Company H, Eighth Regiment Missouri Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Anna M. Johnson, widow of John B. Johnson, late captain Company D, One hundred and thirty-seventh Regiment Illinois Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Thomas B. Foutty, late of Company C, Second Regiment West Virginia Volunteer Cavalry, \$36 per month in lieu of that he is now receiving.

Moses Rowell, late of Company I, Eleventh Regiment, and Company I, Sixth Regiment, New Hampshire Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

Huldah Nesbitt, former widow of Allen Nesbitt, late of Company K, Thirty-fifth Regiment Iowa Volunteer Infantry, \$20 per month.

Charles S. Penley, late of Company H, Twenty-third Regiment Maine Volunteer Infantry, and unassigned company, Maine State Guards, \$24 per month in lieu of that he is now receiving.

David H. Gray, late of Company A, Fourteenth Regiment Maine Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

John Snyder, late of Company K, Thirty-first Regiment New Jersey Volunteer Infantry, and Company C, One hundred and thirty-fifth Regiment Ohio National Guard Infantry, \$30 per month in lieu of that he is now receiving.

Mary M. Croft, widow of Charles I. Croft, late hospital steward, First Regiment California Volunteer Cavalry, \$24 per month in lieu of that she is now receiving.

Riley Hawley, late of Company I, Forty-fourth Regiment Wisconsin Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Mary E. Workman, widow of Stephen H. Workman, late of Company G, One hundred and seventeenth Regiment Ohio Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Hellen L. Chatfield, widow of Markus M. Chatfield, late of Company B, First Regiment Iowa Volunteer Cavalry, \$20 per month in lieu of that she is now receiving.

John Sanderson, late of Company A, Fifty-eighth Regiment Ohio Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Caroline J. McBratney, widow of Sherman McBratney, late of Company M, Tenth Regiment Ohio Volunteer Cavalry, \$12 per month.

John C. Vennum, late of Company B, Seventy-fifth Regiment Illinois Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

John Painter, late of Company C, First Regiment Arkansas Volunteer Cavalry, \$36 per month in lieu of that he is now receiving.

Lefford Mathews, late of Company D, First Regiment Arkansas Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

Francis W. Crumpton, late of Company B, Second Regiment Missouri State Militia Cavalry, \$40 per month in lieu of that he is now receiving.

John Wells, late of Company A, Second Regiment Rhode Island Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Charles Herbstreith, late of Company F, Eleventh Regiment Illinois Volunteer Cavalry, \$24 per month in lieu of that he is now receiving.

Joseph Girdler, late of Company C, Second Regiment Kentucky Volunteer Cavalry, \$40 per month in lieu of that he is now receiving.

Harvey T. Smith, late of Company B, One hundred and forty-ninth Regiment Pennsylvania Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Francis M. Bishop, alias Marion F. Bishop, late first lieutenant Company E, First Regiment Michigan Volunteer Infantry, and captain Company H, Second Regiment United States Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Richard T. Blaikie, late of Company B, Eighty-second Regiment Pennsylvania Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Marcellus B. Kent, late of Company I, Forty-sixth Regiment Illinois Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

George W. Seymour, late of Company D, Twenty-second Regiment Connecticut Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Lucinda M. Fuller, widow of Henry A. Fuller, late of Company M, First Regiment New Hampshire Volunteer Cavalry, \$20 per month in lieu of that she is now receiving.

John Emanuel Smith, late of Twenty-sixth Unattached Company, Massachusetts Militia Infantry, \$30 per month in lieu of that he is now receiving.

Catherine Soper, widow of Edward B. Soper, late of Company C, Twenty-second Regiment Connecticut Volunteer Infantry, \$12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The bill (S. 8275) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, was considered as in Committee of the Whole. It proposes to pension the following named persons at the rates per month stated:

John W. Slaughter, late of Company L, Second Regiment Kentucky Volunteer Infantry, War with Spain, \$20 per month in lieu of that he is now receiving.

Warren Hilliard, late of Company B, Eighteenth Regiment United States Infantry, War with Spain, \$8 per month.

Louisa A. Thatcher, widow of Joseph L. Thatcher, late carpenter, United States Navy, and dependent mother of William J. Thatcher, late chief turret captain, U. S. S. *Georgia*, United States Navy, \$24 per month in lieu of that she is now receiving.

George Holleder, late of Troop I, Third Regiment United States Cavalry, \$12 per month.

Charles W. Camp, late of Company M, Twenty-seventh Regiment United States Volunteer Infantry, War with Spain, \$20 per month in lieu of that he is now receiving.

George R. Smith, late of Company B, One hundred and sixtieth Regiment Indiana Volunteer Infantry, War with Spain, \$20 per month.

Edward Seaton, late of Company K, Forty-fourth Regiment United States Volunteer Infantry, \$15 per month in lieu of that he is now receiving.

Florida Kennerly, widow of Pierre M. Kennerly, late of Capt. McKinstry's Volunteers, War with Mexico, \$20 per month in lieu of that she is now receiving.

Charles M. Baughman, late of Company K, Sixth Regiment Illinois Volunteer Infantry, War with Spain, \$30 per month.

Elizabeth S. Lewerenz, widow of Alfred C. Lewerenz, late civil engineer, United States Navy, \$40 per month in lieu of that she is now receiving, and \$2 per month additional on account of the minor child of said Alfred C. Lewerenz until he reaches the age of 16 years.

Minnie Wadsworth Wood, widow of Oliver E. Wood, late colonel, Artillery Corps, and brigadier general, United States Army, retired, \$40 per month in lieu of that she is now receiving.

Francis Redmond, late of Troop K, Ninth Regiment United States Cavalry, and Hospital Corps, United States Army, \$12 per month.

Charles E. Harris, late of Company G, Tenth Regiment United States Infantry, War with Spain, \$12 per month.

Annie V. Smith, widow of Sebree Smith, late captain Third Regiment United States Artillery, \$30 per month in lieu of that she is now receiving.

Barbara B. Haws, widow of William Haws, late of Capts. Robert Thomas and Coleman Boren's companies, Utah Volunteers, Utah Indian war, \$12 per month.

Martha A. Hughes, widow of Edward M. Hughes, later commander, United States Navy, \$40 per month in lieu of that she is now receiving.

Charles L. Stevens, late of Troop E, Fifth Regiment United States Cavalry, \$16 per month.

Emily W. Tilley, widow of Benjamin F. Tilley, late rear admiral, United States Navy, \$50 per month in lieu of that she is now receiving.

James McMahon, late of Company B, Twenty-sixth Regiment United States Infantry, \$30 per month in lieu of that he is now receiving.

Israel Wood, late of Company K, First Regiment Oregon Riflemen, Cayuse Indian war, \$16 per month in lieu of that he is now receiving.

George W. Thurman, late of Capt. Abel George's Company B, Second Regiment Oregon Mounted Volunteers, \$16 per month in lieu of that he is now receiving.

Andrew G. Aiken, late of Capt. William H. Harris's company of Minute Men, Ninth Regiment Oregon Mounted Volunteers,

Oregon and Washington Territory Indian war, \$16 per month in lieu of that he is now receiving.

James P. Bartlett, late of Capt. William Strong's Company A, Washington Mounted Volunteers, Oregon and Washington Territory Indian war, \$16 per month in lieu of that he is now receiving.

Mary F. Read, widow of Thomas Read, late of Company A, Fourth Regiment United States Infantry, War with Mexico, \$20 per month in lieu of that she is now receiving.

William Cornell, late of Company M, First Regiment United States Volunteer Engineers, War with Spain, \$10 per month.

Michael Hoffman, late of Company B, United States Mounted Rifles, Texas and New Mexico Indian war, \$16 per month in lieu of that he is now receiving.

Ornan F. Hibbard, late of Capt. Hiram Wilbur's Company B, First Regiment Oregon Volunteers, Oregon and Washington Territory Indian war, \$16 per month in lieu of that he is now receiving.

Emma Myers, widow of Fred Myers, late of Troop K, Sixth Regiment United States Cavalry, \$12 per month.

Frederick M. Douglass, late of Capt. Stewart's company, First Regiment Florida Mounted Volunteers, Seminole Indian war, \$16 per month in lieu of that he is now receiving.

Sara S. Dowdy, widow of Robert W. Dowdy, late major, Twenty-sixth Regiment United States Infantry, \$25 per month.

Green Hines, dependent father of Hilton P. Hines, late of Company F, Second Regiment United States Infantry, War with Spain, \$24 per month in lieu of that he is now receiving.

Esther B. Shultz, widow of Joseph S. Shultz, late civil engineer, with rank of lieutenant, United States Navy, \$35 per month in lieu of that she is now receiving, and \$2 per month additional on account of the minor child of the said Joseph S. Shultz until she reaches the age of 16 years.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PROOF OF SIGNATURES AND HANDWRITING.

The bill (H. R. 20102) relating to proof of signatures and handwriting was announced as next in order.

Mr. LODGE. Let that bill go over, Mr. President.

The PRESIDENT pro tempore. The bill will go over under objection.

Mr. KENYON. Mr. President, I should like to inquire what is the objection to this bill.

Mr. LODGE. I made objection under a misapprehension. I thought the bill read was Order of Business 1025. It was my mistake. I have no objection whatever to Order of Business 1029, being House bill 20102.

Mr. JONES. I desire to call the attention of the Senate to the fact that Order of Business No. 1025 has already been passed, and should not be on the calendar.

The PRESIDENT pro tempore. The Chair has been informed that Order of Business 1025, being Senate resolution 418, and Order of Business 1028 have heretofore been disposed of, and should not now be on the calendar.

Mr. LODGE. I find there are a number of bills on the calendar that have been previously passed, such as the agricultural extension bill. I do not know why they are kept on the calendar.

The PRESIDENT pro tempore. Those which have been passed are not, of course, being laid before the Senate. The Senator from Massachusetts withdraws his objection to the consideration of House bill 20102.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment, in line 3, before the word "officer," to insert "judicial," so as to make the bill read:

Be it enacted, etc., That in any proceeding before a court or judicial officer of the United States where the genuineness of the handwriting of any person may be involved, any admitted or proved handwriting of such person shall be competent evidence as a basis for comparison by witnesses, or by the jury, court, or officer conducting such proceeding, to prove or disprove such genuineness.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILLS PASSED OVER.

The bill (H. R. 27475) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was announced as next in order.

Mr. BRYAN. Let that bill go over, Mr. President.

The PRESIDENT pro tempore. The bill will go over.

Mr. McCUMBER. Mr. President, was objection made to the consideration of House bill 27475? I did not hear it.

Mr. BRYAN. I objected to the consideration of the bill.

The PRESIDENT pro tempore. The bill goes over, under objection.

The bill (S. 4241) to encourage rifle practice and promote a patriotic spirit among the citizens and youth of the United States was announced as next in order.

Mr. McCUMBER. I object to the consideration of that bill.

The PRESIDENT pro tempore. The bill will be passed over, under objection.

The bill (S. 8188) to amend section 113 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1912, was announced as next in order.

Mr. LODGE. I object to that bill.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 110) to authorize the sale and disposition of a portion of the surplus and unallotted lands in Todd and Bennett Counties, in Rosebud Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect, was announced as next in order.

Mr. SMOOT. Let that go over for the day.

The PRESIDENT pro tempore. The bill goes over, under objection.

The bill (S. 8297) to transfer the Pacific Branch of the National Home for Disabled Volunteer Soldiers to the War Department was announced as next in order.

Mr. JONES. The Senator from Kansas [Mr. BRISTOW] was uncertain in committee whether he was in favor of that bill or not. As he is not present, I ask that it go over.

The PRESIDENT pro tempore. The bill will go over under objection.

PENSIONS AND INCREASE OF PENSIONS.

The bill (S. 8314) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole. It proposes to pension the following-named persons at the rates per month stated:

Kate Brown, widow of William N. Brown, late of Companies E and K, Sixty-fifth Regiment Illinois Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

James R. Haldeman, late first lieutenant Company E, One hundred and ninety-fifth Regiment Pennsylvania Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Mary Francis, widow of John A. Francis, late second lieutenant Company F, Eighteenth Regiment Connecticut Volunteer Infantry, \$24 per month in lieu of that she is now receiving.

Jane De Graw, widow of Charles R. De Graw, late of Company A, Twenty-second Regiment New Jersey Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Carrie Engberg, widow of Peter Engberg, late of Company G, Seventh Regiment Minnesota Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Sarah E. McCann, widow of Francis McCann, late of Company K, Fourth Regiment Rhode Island Volunteer Infantry, and First Company, Second Battalion Veteran Reserve Corps, \$24 per month in lieu of that she is now receiving.

Susan M. Sumner, widow of John H. Sumner, late captain Company A, Third Regiment Michigan Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Mary J. Anderson, widow of James S. Anderson, late of Company G, One hundred and twenty-second Regiment Ohio Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

John W. Anderson, late of Company A, Sixth Regiment Indiana Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

John S. Rodgers, late of Independent Battery F, Pennsylvania Volunteer Light Artillery, \$30 per month in lieu of that he is now receiving.

John G. Myers, late of Company A, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

Andrew J. Furry, late of Company E, First Regiment United States Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Charles F. Cooken, late of Company F, Forty-fifth Regiment Iowa Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

William Robertson, late of Company C, Fourteenth Regiment United States Infantry, \$30 per month in lieu of that he is now receiving.

George W. Leslie, late of Company I, Fourth Regiment Pennsylvania Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

William H. Weber, late of Company C, Thirty-sixth Regiment Indiana Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

George Ketzler, late of Company B, Fiftieth Regiment Illinois Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

August Schurman, late of Company B, Seventy-fourth Regiment New York Volunteer Infantry, and Company C, Twentieth Regiment Veteran Reserve Corps, \$30 per month in lieu of that he is now receiving.

Samuel J. Riley, late of Company C, Fifteenth Regiment Missouri Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

William E. Huestis, late of Company F, Fifth Regiment Kansas Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

Orlina M. Cadwell, widow of George Cadwell, late of Company B, Forty-ninth Regiment Massachusetts Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

George Warnick, late of Company H, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Louis M. Lea, late of Company D, One hundred and forty-eighth Regiment Indiana Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Thomas F. Stevens, late of Company B, One hundred and twenty-second Regiment Illinois Volunteer Infantry, \$50 per month in lieu of that he is now receiving.

Darwin Zeek, late of Company E, One hundred and fourth Regiment Illinois Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

David F. Stewart, late of Company A, Fifth Regiment Indiana Volunteer Cavalry, \$36 per month in lieu of that he is now receiving.

Nathan Vanaman, late of Company D, Twelfth Regiment West Virginia Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Joseph Johnson, late of Company G, Eighth Regiment Illinois Volunteer Cavalry, \$24 per month in lieu of that he is now receiving.

John N. Postlethwait, late of Company A, Eleventh Regiment West Virginia Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

John Miller, late of Company H, Fifty-second Regiment Ohio Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

John O. Branson, late of Company B, One hundred and thirty-fourth Regiment Indiana Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Adam P. S. Poisal, late of Company F, Second Potomac Home Brigade Maryland Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Francis M. Hanes, late of Company B, Eighth Regiment Indiana Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

John L. Skinner, jr., late second lieutenant Company E, One hundred and fortieth Regiment Illinois Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

John P. Glenn, late of Company B, Eighth Regiment Iowa Volunteer Cavalry, and Company D, Seventeenth Regiment Veteran Reserve Corps, \$30 per month in lieu of that he is now receiving.

William A. Stewart, late of Company A, Twenty-seventh Regiment Iowa Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

William Turnbeaugh, late of Company E, Eighteenth Regiment Missouri Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Julia A. Snedeker, widow of George W. Snedeker, late of Company C, Eighty-fifth Regiment Indiana Volunteer Infantry, \$24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Gertrude M. Snedeker, helpless and dependent child of said George W. Snedeker, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Julia A. Snedeker the name of the said Gertrude M. Snedeker shall be placed on the pension roll, at \$12 per month, from and after the date of death of said Julia A. Snedeker.

Martha R. Brown, widow of Preston W. Brown, late of Company I, Fourth Regiment Michigan Volunteer Cavalry, \$12 per month.

Elias Redmon, late of Company B, One hundred and twenty-fourth Regiment United States Colored Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

George Moffatt, late of Company B, Fifty-second Regiment Wisconsin Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Kate F. Sage, widow of George D. Sage, late paymaster's steward, U. S. S. North Carolina and Coeur de Leon, United States Navy, \$20 per month in lieu of that she is now receiving.

Myra Van Winkle, widow of Barrack S. Van Winkle, late of Company H, Thirty-first Regiment Iowa Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Charles G. Glidden, late of Company C, Twenty-second Regiment Maine Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Clara V. King, widow of Charles King, late of Company B, First Regiment Michigan Volunteer Cavalry, \$20 per month in lieu of that she is now receiving.

James Griffey, late of Company H, Twenty-seventh Regiment United States Colored Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

Sarah F. Boynton, widow of David C. Boynton, late of Company B, Fifth Regiment Minnesota Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Emiles Pomeroy, late of Company K, Eighty-third Regiment Pennsylvania Volunteer Infantry, \$50 per month in lieu of that he is now receiving.

Fannie M. Page, widow of Fernando Page, late of Company K, Third Regiment Michigan Volunteer Infantry, \$12 per month.

Thomas Gannon, late of U. S. S. *Sabine*, *Potomac*, and *Stockdale*, United States Navy, \$24 per month in lieu of that he is now receiving.

Orlan A. Hibbs, late of Company A, Seventeenth Regiment Kentucky Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

William H. Hall, late of Company B, Fourteenth Regiment Connecticut Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

William T. Francis, late of Company C, Thirtieth Regiment Kentucky Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Marshall D. House, late of Company C, Sixteenth Regiment Connecticut Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Henry McClure, late of Company G, Thirteenth Regiment Kentucky Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

Mary J. Wood, widow of Warren M. Wood, late of Company E, Second Regiment Connecticut Volunteer Heavy Artillery, \$20 per month in lieu of that she is now receiving.

Ephraim Benedict Murphy, alias Ephraim Benedict, late of Company B, Sixty-first Regiment Massachusetts Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Jay Doty, late of Company C, Twenty-third Regiment Connecticut Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Lorenzo F. Nolan, late of Company I, Forty-fourth Regiment Indiana Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Erastus G. Cummings, late of Company I, Twentieth Regiment Maine Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Victoria L. McHone, widow of Lewis McHone, late second lieutenant Company B, Ninth Regiment Kansas Volunteer Cavalry, \$20 per month in lieu of that she is now receiving.

Margaret L. Thompson, former widow of William B. Hooper, late of Company L, First Regiment New Jersey Volunteer Cavalry, \$12 per month.

Daniel Hand, late of Company K, Eighty-eighth Regiment Indiana Volunteer Infantry, \$12 per month.

Horace C. Webber, late of Company L, First Regiment Maine Volunteer Heavy Artillery, \$50 per month in lieu of that he is now receiving.

Stanley H. Husted, late of Company B, First Regiment Wisconsin Volunteer Heavy Artillery, and second lieutenant Company F, Twelfth Regiment United States Colored Volunteer Heavy Artillery, \$30 per month in lieu of that he is now receiving.

Joseph Cassiday, late of Company C, Second Regiment Maryland Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

William L. Sheaff, late of Company I, One hundred and twenty-ninth Regiment Pennsylvania Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Louis C. Emmett, late of Company C, First Regiment Oregon Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Christian Bowman, late of Company D, Two hundred and first Regiment Pennsylvania Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Stephen Collar, late of Company F, Thirteenth Regiment Michigan Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Baxter Johnson, late of Company I, Seventh Regiment Michigan Volunteer Infantry, and Company F, Twenty-eighth Regiment United States Infantry, \$30 per month in lieu of that he is now receiving.

Mary E. Allen, widow of Charles G. Allen, late captain Company D, Fourteenth Regiment United States Colored Volunteer Heavy Artillery, \$20 per month in lieu of that she is now receiving.

Georgiana Packard, widow of George W. Packard, late of Company A, Ninth Regiment Kansas Volunteer Cavalry, and Company G, Eighth Regiment United States Veteran Volunteer Infantry, \$24 per month in lieu of that she is now receiving.

Josephine E. Miller, widow of Abraham B. Miller, late pilot U. S. S. Minnesota, United States Navy, \$12 per month.

Delia H. Austin, widow of John F. Austin, late captain Company M, Seventeenth Regiment Illinois Volunteer Cavalry, \$20 per month in lieu of that she is now receiving.

Wendell P. Hood, late of Company F, Forty-eighth Regiment Massachusetts Volunteer Infantry, \$50 per month in lieu of that he is now receiving.

Lucy Gamble, widow of David W. Gamble, late of Company C, Fifteenth Regiment West Virginia Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Elizabeth Croft, widow of William M. Croft, late of Company A, Ninth Regiment Pennsylvania Reserves Volunteer Infantry, and Company B, One hundred and ninetieth Regiment Pennsylvania Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Stephen B. Johnson, late of Company I, Eleventh Regiment New York Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

Ferdinand O. Tennison, late of Company D, Third Regiment Missouri State Militia Cavalry, \$30 per month in lieu of that he is now receiving.

Thomas Moody, late of Company F, Second Regiment Missouri State Militia Cavalry, \$30 per month in lieu of that he is now receiving.

Charles Belknap, late of Company E, Nineteenth Regiment Wisconsin Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ENLARGED HOMESTEAD.

The bill (H. R. 23351) to amend an act entitled "An act to provide for an enlarged homestead" was considered as in Committee of the Whole. It proposes to amend sections 3 and 4 of the act entitled "An act to provide for an enlarged homestead," approved February 19, 1909, and of an act entitled "An act to provide for an enlarged homestead," approved June 17, 1910, so as to read as follows:

Sec. 3. That any homestead entryman of lands of the character herein described, upon which entry final proof has not been made, shall have the right to enter public lands, subject to the provisions of this act, contiguous to his former entry, which shall not, together with the original entry, exceed 320 acres.

Sec. 4. That at the time of making final proofs, as provided in section 2291 of the Revised Statutes, the entryman under this act shall, in addition to the proofs and affidavits required under said section, prove by two credible witnesses that at least one-sixteenth of the area embraced in such entry was continuously cultivated for agricultural crops other than native grasses beginning with the second year of the entry, and that at least one-eighth of the area embraced in the entry was so continuously cultivated beginning with the third year of the entry: *Provided*, That any qualified person who has heretofore made or hereafter makes additional entry under the provisions of section 3 of this act may be allowed to perfect title to his original entry by showing compliance with the provisions of section 2291 of the Revised Statutes respecting such original entry, and thereafter in making proof upon his additional entry shall be credited with residence maintained upon his original entry from the date of such original entry, but the cultivation required upon entries made under this act must be shown respecting such additional entry, which cultivation, while it may be made upon either the original or additional entry, or upon both entries, must be cultivation in addition to that relied upon and used in making proof upon the original entry; or, if he elects, his original and additional entries may be considered as one, with full credit for residence upon and improvements made under his original entry, in which event the amount of cultivation herein required shall apply to the total area of the combined entry, and proof may be made upon such combined entry whenever it can be shown that the cultivation required by this section has been performed; and to this end the time within which proof must be made upon such combined entry is hereby extended to seven years from the date of the original entry: *Provided further*, That

nothing herein contained shall be so construed as to require residence upon the combined entry in excess of the period of residence, as required by section 2291 of the Revised Statutes.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DESERT-LAND ENTRIES IN CALIFORNIA.

The bill (S. 7875) to exempt from cancellation certain desert-land entries in the Chuckawalla Valley and Palo Verde Mesa, Riverside County, Cal., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with an amendment, on page 2, line 3, after the word "east," to insert "San Bernardino meridian," so as to make the bill read:

Be it enacted, etc., That no desert-land entry heretofore made in good faith under the public-land laws for lands in townships 4 and 5 south, range 15 east; townships 4 and 5 south, range 16 east; townships 4, 5, and 6 south, range 17 east; townships 5, 6, and 7 south, range 18 east; townships 6 and 7 south, range 19 east; townships 6 and 7 south, range 20 east; townships 4, 5, 6, 7, and 8 south, range 21 east; townships 5, 6, and 7 south, range 22 east; township 5 south, range 23 east San Bernardino meridian, shall be canceled prior to May 1, 1916, because of failure on the part of the entryman to make any annual or final proof falling due upon any such entry prior to May 1, 1916.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONFEDERATE CEMETERY AT LITTLE ROCK, ARK.

The bill (H. R. 24365) providing for the taking over by the United States Government of the Confederate cemetery at Little Rock, Ark., was announced as next in order.

Mr. SMOOT. Mr. President, I should like to ask the Senator from Arkansas what special reason there is for the United States Government to take over the Confederate cemetery at Little Rock, Ark.?

Mr. CLARKE of Arkansas. The reasons are largely sentimental. The fact is that the National Government maintains quite a considerable cemetery at that particular point. Near there, or just adjoining there, on a small tract of land 400 by 200 feet, or possibly larger than that, are buried the remains of quite a number of Confederate soldiers. It was thought to be in accordance with the progress of reconciliation which has already taken place that those cemeteries be under one control, something after the fashion of that adopted at Springfield, Ill. The expense is a nominal one. I personally had thought that possibly the ex-Confederates might keep it up. But it was deemed to be the sentiment of the community that there should be no longer two managements of that particular resting place of those who had distinguished themselves upon that occasion which has now become a memory so dear to all of us.

There is much to be said, or nothing to be said, on the subject one way or the other. If it is intended to be debated, there would be much to be said upon it. If the propriety of it does not occur to the Senator immediately upon the statement, it probably would require some elaborate argument to convince him.

Mr. SMOOT. I asked the Senator the question because of the fact that I thought perhaps there was some special reason for this. I notice that he says that they are adjoining each other.

Mr. CLARKE of Arkansas. They are immediately adjoining. There is just a stone wall between them.

Mr. SMOOT. I wish to ask the question whether the same help that takes care of the national cemetery at Little Rock of the Federal soldiers will take care of the Confederate cemetery?

Mr. CLARKE of Arkansas. That is the understanding. The expense will be nominal.

Mr. SMOOT. The only expense would be \$2,125 a year?

Mr. CLARKE of Arkansas. No, sir; that would be the entire expense of making the opening in the wall and making such repairs as may be required. The entire expense now of maintaining the cemetery there is probably \$2,000 a year. The understanding is that it will not add materially to the expense of maintaining the cemetery.

Mr. SMOOT. I see that the Quartermaster General states that there is no objection on the part of his office to the favorable consideration of the bill, but if it becomes a law it will be necessary to make provision for placing it in the proper repair by increasing the appropriation for the care and maintenance of national cemeteries for the fiscal year 1914.

Mr. CLARKE of Arkansas. At present the Confederate cemetery is not kept up as well as the national cemetery adjoining, and the probabilities are that the walks would be improved and a variety of little improvements would be made that would be necessary to make it conform to the general appearance of the other cemetery.

Mr. SMOOT. Mr. President, as the two cemeteries adjoin, I shall not object.

Mr. MARTINE of New Jersey. Mr. President, with the Senator's permission, I beg to say that it was my privilege when at Little Rock a few months or weeks ago to visit this spot. Immediately the question was raised in my mind, and I so expressed it, that it seemed a bit of dire neglect that the soldiers' graves on one side were so beautifully taken care of and the others were in a most chaotic and neglected state; and I recall having suggested to the gentlemen who were with me that it seemed sad and unfortunate—

Mr. GALLINGER. That did not reflect on the Government, however.

Mr. MARTINE of New Jersey. Not at all, sir—that 50 years had passed since that horrid strife, and God's green grass grew alike over them both, and did its best to obliterate the horrid thoughts and memories of the past. It seemed to me ungenerous, to say no more, that within this distance of 30 or 40 feet this plat should be so neglected, and I expressed my hope that the United States, in its generosity and charity, would in the very near future take that in, and that they might all be cared for alike.

It is useless to contend now as to the sentiments or as to the reasons of the strife. They were all of God's creation, and all of one great, glorious, and grand country. The cost of maintaining that little plat could be but a pittance, the remains of a few Confederate soldiers; and I do plead with all the earnestness of my nature that the Senate of the United States may do its part toward obliterating the evidences of that horrid strife in that little plat.

Mr. SMOOT. There is nobody objecting, so far as I know.

Mr. MARTINE of New Jersey. I know that; but I say, at the same time, that I really ache sometimes for the opportunity to give vent to my sentiments in a case that is so deserving as I feel this is.

Mr. McCUMBER. Let the matter go over for the present.

The PRESIDENT pro tempore. Objection being made, the bill will go over.

Mr. CLARKE of Arkansas subsequently said: I ask unanimous consent to take up the bill (H. R. 24365) providing for the taking over by the United States Government of the Confederate cemetery at Little Rock, Ark. The bill has been read.

The PRESIDENT pro tempore. The Senator from Arkansas asks that the Senate consider the bill indicated by him. Is there objection?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HERMAN C. FUNK.

The bill (S. 4549) to place the name of Sergt. Herman C. Funk upon the officers' retired list was considered as in Committee of the Whole. It authorizes the President to place the name of Herman C. Funk on the retired list created by the act of Congress approved March 2, 1907, with the rank, pay, and allowances of a sergeant of infantry retired.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to place the name of Herman C. Funk upon the retired list created by act approved March 2, 1907."

OFFICERS DETAILED FOR AVIATION DUTY.

The bill (H. R. 17256) to fix the status of officers of the Army and Navy detailed for aviation duty, and to increase the efficiency of the aviation service, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and insert:

That after the passage and approval of this act the pay as now or as may be hereafter fixed by law for officers of the Regular Army, Navy, and Marine Corps shall be 20 per cent additional for such officers as are now or may be hereafter detailed by the Secretary of War or the Secretary of the Navy on aviation duty: *Provided*, That this increase of pay shall be given to such officers only as are actually engaged in the flying of heavier-than-air craft, and while so detailed, as provided herein: *Provided further*, That no officer holding rank above that of captain shall receive the additional pay provided for by this act: *And provided further*, That at the same time no more than 30 officers of the Army and 30 officers of the Navy and Marine Corps shall be detailed to the aviation service.

SEC. 2. That all laws and parts of laws inconsistent with the provisions of this act be, and the same are hereby, repealed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

REFUND OF TONNAGE TAXES.

The bill (H. R. 2359) to refund certain tonnage taxes and light dues was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to refund the following amounts to the respective named companies, assessed and collected under section 4225, Revised Statutes, which amounts are hereby appropriated: Ninety-three dollars in the case of the American dredge *Erie*, without enrollment, upon the application of the Duluth-Superior Dredging Co.; and \$270 in the case of American scows Nos. 1 and 2, American dredge *Lincoln*, and American derrick-scow No. 1, without enrollment, upon the application of the Duluth Marine Contracting Co.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. That concludes the calendar.

LAND IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. The bill (S. 1899) to repeal a portion of an act heretofore passed relating to the alienation of the title of the United States to land in the District of Columbia some way got under Rule IX and has escaped my attention. It is a bill recommended by the Department of Justice, the Commissioners of the District of Columbia, and Gen. Bixby, of the Engineer Corps. I hope it will be taken up now and passed. There is no objection to it, as far as I know.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to repeal section 2 of the act approved March 3, 1899 (30 Stats., 1346), authorizing and directing the Secretary of War to correct the records of the War Department in respect to any of the lots mentioned in Senate Document No. 277, Fifty-fifth Congress, second session.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FLATHEAD IRRIGATION PROJECT.

Mr. SMOOT. The bill (S. 5957) providing for the issuance of patents to entrymen for homesteads in the so-called Flathead irrigation project is on the calendar under Rule IX. I move its indefinite postponement.

The motion was agreed to.

Mr. GALLINGER. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 2 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 4, 1913, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, February 3, 1913.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord, our God and our Father, we approach Thee in the sacred attitude of prayer in faith and confidence that by the uplift of the moment we may receive of that spirit which knows no anger, turmoil, nor strife, but which is "first pure, then peaceable, gentle, and easy to be entreated, full of mercy and good fruits," that we may leave behind us a record clean, pure, after the similitude of the Prince of Peace. Amen.

The Journal of the proceedings of Sunday, February 2, 1913, was read and approved.

RESIGNATION OF REPRESENTATIVE SHEPPARD.

The SPEAKER laid before the House the following communication, which was read by the Clerk:

FEBRUARY 3, 1913.

HON. CHAMP CLARK,
Speaker House of Representatives.

My DEAR SIR: I have this day notified the governor of Texas of my resignation as a Member of the House of Representatives from the first Texas district, said resignation to be effective immediately.

Yours, very truly,

MORRIS SHEPPARD.

THE LATE REPRESENTATIVE CONNELL.

Mr. AYRES. Mr. Speaker, I ask unanimous consent for the present consideration of the following order, which I send to the Clerk's desk.

The Clerk read as follows:

Ordered, That Sunday, February 16, 1913, be set apart for addresses upon the life, character, and public services of Hon. RICHARD E. CONNELL, late a Representative from the State of New York.

The SPEAKER. The gentleman from New York asks unanimous consent for the present consideration of the order. Is there objection?

There was no objection.

The order was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 12813. An act to refund duties collected on lace-making and other machines and parts or accessories thereof imported subsequently to August 5, 1909, and prior to January 1, 1911.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 78. Joint resolution proposing an amendment to the Constitution of the United States.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 8190. An act authorizing settlers on unsurveyed lands to make final proof under laws existing at the time of settlement;

S. 8273. An act authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls; and

S. 8139. An act for the relief of William W. Prude.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 8190. An act authorizing settlers on unsurveyed lands to make final proof under laws existing at the time of settlement; to the Committee on the Public Lands.

S. 8273. An act authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls; to the Committee on Military Affairs.

S. 8139. An act for the relief of William W. Prude; to the Committee on Military Affairs.

S. J. Res. 78. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

MALAMBO FIRE CLAIMANTS.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to discharge the Committee on Appropriations from the further consideration of the bill H. R. 23836, and refer it to the Committee on Claims.

The SPEAKER. The gentleman from New York asks unanimous consent to discharge from further consideration the Committee on Appropriations and refer to the Committee on Claims the bill of which the Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 23836) to enable the Secretary of War to pay the amount awarded to the Malambo fire claimants by the joint commission under article 6 of the treaty of November 18, 1903, between the United States and Panama.

The SPEAKER. Is there objection?

There was no objection.

HOT SPRINGS RESERVATION, ARK. (H. DOC. NO. 1331).

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to print as a House document the document prepared by the Interior Department showing the receipts and expenditures on account of the Hot Springs Reservation, Ark., and refer it to the Committee on Appropriations.

The SPEAKER. The gentleman from New York asks unanimous consent to have printed as a House document the report of the Arkansas Hot Springs Reservation and refer it to the Committee on Appropriations. Is there objection?

Mr. MANN. Reserving the right to object, what is this report?

Mr. FITZGERALD. It is a statement showing the receipts and expenditures of the Hot Springs Reservation during the last three years. It shows the receipts from the sale of lots. It was brought before the committee in a hearing, and I think it is of sufficient importance to have it printed as a House document rather than in the hearings of the committee.

Mr. MANN. Why does it go to the Committee on Appropriations instead of to the Committee on Public Lands?

Mr. FITZGERALD. It comes in connection with some estimates that are before the committee in connection with the reservation.

The SPEAKER. Is there objection?

There was no objection.

PENSIONS.

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent that the House insist on its amendments to the bill S. 8035, granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and wars other than the Civil War, and to certain widows and dependent relatives of said soldiers and sailors, and agree to the conference asked for.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the House insist on its amendments to the bill S. 8035 and agree to the conference. Is there objection?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. RICHARDSON, Mr. DICKSON of Mississippi, and Mr. Wood of New Jersey.

CALENDAR FOR UNANIMOUS CONSENT.

The SPEAKER. This is Unanimous Consent Calendar Day, and the Clerk will report the first bill on that calendar.

CHOCTAW AND CHICKASAW INDIANS.

The first bill on the Unanimous Consent Calendar was the bill (H. R. 25507) to authorize certain changes in homestead allotments of the Choctaw and Chickasaw Indians in Oklahoma. The Clerk began the reading of the bill.

Mr. CARTER. Mr. Speaker, I have little hope of this bill getting through by unanimous consent, and I ask to have it passed on the calendar without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

EXCHANGE OF LANDS FOR SCHOOL SECTIONS WITHIN AN INDIAN, MILITARY, NATIONAL FOREST, OR OTHER RESERVATION.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 25738) to authorize the Secretary of the Interior to exchange lands for school sections within an Indian, military, national forest, or other reservation, and for other purposes.

The bill was read.

The SPEAKER. This bill is on the Union Calendar.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that this bill may be considered in the House as in Committee of the Whole House on the state of the Union.

Mr. MARTIN of South Dakota. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. MARTIN of South Dakota. The question of unanimous consent has not been put to the House.

The SPEAKER. Is there objection?

Mr. KNOWLAND. Mr. Speaker—

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to suggest to the gentleman first, that this is a House bill on this calendar, and that later on the calendar, as the gentleman knows, there is a Senate bill. Why not strike this bill off the Calendar for Unanimous Consent and let whatever disposition is made depend upon what is done with the Senate bill?

Mr. RAKER. I desire to substitute at this time the Senate bill and lay aside the House bill.

Mr. MANN. Well, the Senate bill will be reached in due time, and it can be disposed of. When the Senate bill is reached the proposition can be disposed of, and therefore I object to the consideration of this bill.

The SPEAKER. The gentleman from Illinois objects, and the bill will be stricken from the calendar. The Clerk will report the next bill.

COAL MINING COMPANIES IN THE STATE OF OKLAHOMA.

The next business on the Calendar for Unanimous Consent was the bill (S. 3843) granting to the coal-mining companies in the State of Oklahoma the right to acquire additional acreage adjoining their mine leases, and for other purposes.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior, under rules and regulations to be prescribed by him, may grant to the operator of any coal mine or mines in the State of Oklahoma the right to acquire additional acreage from the unleased segregated coal land of the Choctaw and Chickasaw Nations, in the State of Oklahoma, not to exceed in any case 640 acres of land: *Provided*, That the land sought to be acquired adjoins and is contiguous to the coal-mining property in operation: *And provided further*, That the right to acquire such additional lands shall extend only to coal-mining corporations, individual, or individuals actually operating coal mines in said State in good faith, and in only such cases as may be found necessary for the successful administration of such mine: *And provided further*, That the lease or leases on such additional coal lands shall not be made for a longer period of time than existing leases and shall not be made at a less rate of royalty than the rate of royalty paid on existing leases now in operation in said State of Oklahoma.

SEC. 2. That all parts of the act entitled "An act to ratify and confirm an agreement with the Choctaw and Chickasaw Tribes of Indians, and for other purposes," passed and approved July 1, 1902, in conflict with the provisions of this act are hereby repealed.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object—

Mr. CARTER. Mr. Speaker, in explanation of this measure I will say that this is simply a proposition to provide for the leasing of new lands for mining purposes which lie adjacent to present leases. The act of June 28, 1898, provided for the leasing of all of the coal lands in the Choctaw and Chickasaw Nations in Oklahoma, making an arbitrary rate of royalty to 12 cents per ton, as I now recall, on screened coal. By that law the Secretary of the Interior was permitted to change the rate of royalty when he thought it necessary, and the rate was afterwards changed to 8 cents per ton for mine run, which those who are familiar with coal mining will know is a much better rate for the lessor than 10 cents on the screened basis.

Under that law something over 100 leases were taken out for the mining of coal, running for 30 years from the date of the lease, but on July 1, 1902, you had the so-called supplemental agreement providing for the sale of those coal lands. Advertisements were made for bids, and numerous bids were received, but none, in the opinion of the Secretary of the Interior, of sufficient price to warrant the sale of the land. So coal mining drifted along under this lease system, until some leases have been worked out completely; that is to say, worked up to the limit of the leases. No further progress can be made until some authority be given by this Congress to the Secretary of the Interior permitting him to make additional leases, at least to the operators who heretofore have operated the mines in good faith. Now, if this bill is not passed, the natural result will be that the old openings will fill up with water and the coal, which is the property of the Indians, will be damaged and perhaps destroyed and the Indians will get absolutely nothing from it. If this bill is permitted to pass, then the Secretary can go ahead and make new leases to the old operators under the same condition of their old leases and the Indians continue to get 8 cents per ton royalty, for this provides a royalty basis by tonnage and no sale of the land giving anyone any advantage over another person.

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. CARTER. I yield to the gentleman from South Dakota.

Mr. BURKE of South Dakota. As I understand the law at the present time no new leases can be made of any coal lands in the Choctaw and Chickasaw Nations?

Mr. CARTER. That was stopped by the act of July 1, 1902.

Mr. BURKE of South Dakota. And that act was passed on the theory that the lands were going to be sold, and they did not want to have them leased.

Mr. CARTER. That is true.

Mr. BURKE of South Dakota. Now, recently we have enacted a law by which it is proposed to dispose of the surface—

Mr. CARTER. Yes.

Mr. BURKE of South Dakota (continuing). And not sell the coal. So that in fact there ought to be some legislation to dispose of coal by lease or otherwise. But this bill only goes to the extent of permitting the Secretary of the Interior to lease not exceeding 640 acres of land contiguous to land that has been worked out to a person who holds a lease. Is not that correct?

Mr. CARTER. That is true.

Mr. BURKE of South Dakota. Unless there is some such legislation an operator who has exhausted the coal in the land covered by his lease will have to cease operations. Is not that true?

Mr. CARTER. That is true.

Mr. BURKE of South Dakota. And he will therefore lose to a very great extent the value of his machinery, and so forth, that he has there?

Mr. CARTER. Not only that, if the present openings are abandoned, they will fill up with water and the coal belonging to the Indians will be very badly and permanently damaged.

Mr. BURKE of South Dakota. The money that is received from coal royalties is used, I believe, for the purpose of education among the Chickasaw and Choctaw Indians. So that there ought not to be any objection to this bill. But I will say there ought to be general legislation permitting the leasing of these coal lands.

Mr. CARTER. I expected to cover all that in the course of my remarks, and I am very glad the gentleman from South Dakota has brought it out in such a lucid manner.

Mr. STEPHENS of Texas. The attorneys here in Washington representing them are in favor of this bill for the reason that it will add considerable to the amount of revenue they will receive for the coal mined?

Mr. CARTER. That is true.

Mr. STEPHENS of Texas. New railroad tracks will have to be put down, and unless the mines start it would be an insecure position for them to take. In other words, it would injure them greatly. So that under these leases the adjoining lands can be operated under existing leases and plants now in operation?

Mr. CARTER. That is true.

Mr. MANN. Now, Mr. Speaker, will the gentleman from Oklahoma yield?

Mr. CARTER. Yes.

Mr. MANN. How many coal operators are there on these lands now holding leases?

Mr. CARTER. Do you mean the number of leases or the number of operators?

Mr. MANN. The number of men.

Mr. CARTER. I can not say accurately, Mr. Speaker, but I would judge that there were some 50 or more.

Mr. MANN. How many leases are held?

Mr. CARTER. Something over 100, if I remember correctly.

Mr. MANN. That is, the same operator holds more than one lease in many cases?

Mr. CARTER. Yes, in some instances; but a great many of them have only one.

Mr. MANN. How much coal is being mined there?

Mr. CARTER. I think about 3,000,000 tons per annum.

Mr. MANN. How many of these leases are there where the coal is practically exhausted under the present leases?

Mr. CARTER. There are about half a dozen at present, I presume.

Mr. MANN. What is the size of these leases, ordinarily?

Mr. CARTER. Nine hundred and sixty acres. The gentleman will understand, though, that the leases were made at an early day, before the coal crop was well defined, and by saying 960 acres of leased land it might not necessarily follow that there are 960 acres of coal, because much of the land that was first leased was found afterwards to be barren of coal.

Mr. MANN. The gentleman proposes in the bill the limitation of 640 acres. That means that the new leases shall not cover more than 640 acres in any case?

Mr. CARTER. That is the intention.

Mr. MANN. When the coal is exhausted on that 640 acres the same conditions will exist then as exist now on the present leases?

Mr. CARTER. Undoubtedly, unless we have legislation in the meantime taking care of that.

Mr. MANN. What does this bill mean when it says that operators may acquire additional acreage?

Mr. CARTER. That means that they may acquire the lease within the discretion of the Secretary. At least, that is the intention of it.

Mr. STEPHENS of Texas. Not to exceed 640 acres.

Mr. MANN. Do the terms mean to acquire the title to operate? Does it mean there to acquire a title to this 640 acres?

Mr. CARTER. That is not the intention of it. It was meant to acquire a lease of 640 acres.

Mr. MANN. That is not what the bill says.

Mr. CARTER. If the title might be said to exist to a lease, they might acquire that title, might they not?

Mr. MANN. Would the gentleman have any objection to making that read "acquire by lease" wherever they use the term "acquire"?

Mr. CARTER. None in the least. I think that is a good suggestion.

Mr. CAMPBELL. I will state to the gentleman from Illinois [Mr. MANN] that that is the only way he could acquire it now, except by violating the law.

Mr. MANN. But here is proposed a new law to permit them to acquire the property.

Mr. CAMPBELL. But this does not repeal the general law.

Mr. MANN. I beg the gentleman's pardon. It proposes to repeal the existing law and all laws that may be in conflict with it.

Mr. BURKE of South Dakota. Mr. Chairman, I would like to ask the gentleman whether, if you change the word "acquire" to "lease," so as to permit the acquiring of the right to lease, that would not meet the objection, and strike out the word "acquire" entirely?

Mr. MANN. I had it marked that way in my bill, but—

Mr. BURKE of South Dakota. I think by changing the word "acquire" to "lease" would accomplish what is proposed by the framers of the bill.

Mr. CARTER. Strike out "acquire" and insert "lease" will answer every purpose.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. CARTER. Mr. Speaker, I ask unanimous consent that this bill may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Oklahoma [Mr. CARTER] asks unanimous consent to consider this bill in the House as in Committee of the Whole. Is there objection?

Mr. MANN. I object to that.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects.

Mr. CARTER. Mr. Speaker, I move to go into the Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Oklahoma [Mr. CARTER] moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill (S. 3843) granting to the coal-mining companies in the State of Oklahoma the right to acquire additional acreage adjoining their mine leases, and for other purposes, with Mr. HUMPHREYS of Mississippi in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of Senate bill 3843, which the Clerk will report.

The Clerk read the title of the bill, as follows:

An act (S. 3843) granting to the coal-mining companies in the State of Oklahoma the right to acquire additional acreage adjoining their mine leases, and for other purposes.

Mr. CARTER. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with. It has just been read.

The CHAIRMAN. The gentleman from Oklahoma [Mr. CARTER] asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

Mr. CARTER. Mr. Chairman, aside from the amendments that have been suggested by the gentleman from Illinois [Mr. MANN] I do not care to make any further discussion on the bill, and so I ask that it be read under the five-minute rule for amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior, under rules and regulations to be prescribed by him, may grant to the operator of any coal mine or mines in the State of Oklahoma the right to acquire additional acreage from the unleased segregated coal land of the Choctaw and Chickasaw Nations, in the State of Oklahoma, not to exceed in any case 640 acres of land: Provided, That the land sought to be acquired adjoins and is contiguous to the coal-mining property in operation: And provided further, That the right to acquire such additional lands shall extend only to coal-mining corporations, individual or individuals actually operating coal mines in said State in good faith, and in only such cases as may be found necessary for the successful administration of such mine: And provided further, That the lease or leases on such additional coal lands shall not be made for a longer period of time than existing leases and shall not be made at a less rate of royalty than the rate of royalty paid on existing leases now in operation in said State of Oklahoma.

Mr. STEPHENS of Texas. Mr. Chairman, I want to say, for the information of the gentleman from Illinois [Mr. MANN], a word regarding the proviso beginning on line 5, page 2. I do not think it would be necessary for him to offer any amendment, because this proviso makes it perfectly plain. The bill provides—

That the lease or leases on such additional coal lands shall not be made for a longer period of time than existing leases and shall not be made at a less rate of royalty than the rate of royalty paid on existing leases now in operation in said State of Oklahoma.

Mr. MANN. What is the object in leaving the matter open to construction when there are two constructions, and we mean only one thing and can say so?

Mr. STEPHENS of Texas. I will say to the gentleman from Illinois that in my opinion the whole section should be construed together, and it is perfectly clear that this last provision shall apply only to leases. It says—

That the lease or leases on such additional coal lands shall not be made for a longer period of time than existing leases and shall not be made at a less rate of royalty than the rate of royalty paid on existing leases now in operation in said State of Oklahoma.

Mr. MANN. I do not agree with the gentleman as to that.

Mr. STEPHENS of Texas. From that it is perfectly apparent that only leasing can be done under this act.

Mr. MANN. No; that applies only when leases are made, and under the former part of the bill they might pass title to the property.

Mr. STEPHENS of Texas. I beg leave to differ with the gentleman. The language is perfectly plain.

Mr. MANN. I have great deference for the opinion of my friend from Texas, and yet when you are passing a bill why not make it clear beyond a question of construction?

Mr. Chairman, I move to strike out, in line 6, page 1, the word "acquire" and insert the word "lease."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. MANN].

The Clerk read as follows:

Amend, page 1, line 6, by striking out the word "acquire" and inserting the word "lease."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MANN. In line 10 strike out the word "acquired" and insert the word "leased."

The Clerk read as follows:

Page 1, line 10, strike out the word "acquired" and insert the word "leased" in lieu thereof.

The amendment was agreed to.

Mr. MANN. Mr. Chairman, I move, in line 11, after the word "property," to insert the words "of the applicant," so that it will read:

Contiguous to the coal-mining property of the applicant in operation.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 1, line 11, by inserting after the word "property" the words "of the applicant."

Mr. STEPHENS of Texas. There is no objection to that.

The amendment was agreed to.

Mr. MANN. I move to amend, on page 2, line 1, by striking out the word "acquire" and inserting the word "lease"

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 2, line 1, strike out "acquire" and insert "lease."

The amendment was agreed to.

Mr. MANN. In line 7, page 2, after the word "leases," insert "of the respective applicants."

The Clerk read as follows:

Page 2, line 7, after the word "leases," insert the words "of the respective applicants."

The amendment was agreed to.

Mr. BURKE of South Dakota. Mr. Chairman, I move to strike out the last word for the purpose of getting some information. I call the attention of the gentleman from Oklahoma [Mr. CARTER] to the language that appears in the last proviso of section 1 on page 2, where it is provided that the royalty shall not be—

a less rate of royalty than the rate of royalty paid on existing leases now in operation in said State of Oklahoma.

I suppose it is intended that the royalty shall not be less than the operator is paying under the lease that he now has. Will the gentleman explain what is intended by the language:

And shall not be made at a less rate of royalty than the rate of royalty paid on existing leases now in operation in said State of Oklahoma.

That might mean any leases in Oklahoma.

Mr. CARTER. They have now an arbitrary rate of royalty at 8 cents per ton, and under the law the rate must be uniform.

Mr. BURKE of South Dakota. That is what I wanted to know—whether there are any coal lands in Oklahoma leased at less than that rate.

Mr. CARTER. They are all at a flat rate of 8 cents per ton, with the right of the Secretary of the Interior either to increase or reduce the rate.

Mr. BURKE of South Dakota. Let me ask the gentleman if there is any operator who is paying a greater royalty than 8 cents?

Mr. CARTER. There is not at present in Oklahoma.

Mr. BURKE of South Dakota. It occurs to me that if an operator was paying 10 or 12 cents and we granted him a lease of additional land adjoining that which he is now operating he ought not to have the lease at less than he is now paying.

Mr. CARTER. All leases are at the same flat rate—8 cents per ton mine run.

Mr. MILLER. I move to strike out the last two words for the purpose of asking another question. As I understand there are two methods of paying royalties on coal, both per ton, but one for mine run and the other for screened coal.

Mr. CARTER. No; it is a flat rate of 8 cents a ton, mine-run coal, for all leases in Oklahoma.

Mr. MILLER. I admit that in the Choctaw and Chickasaw countries there is only one method, which is 8 cents per ton mine run, but my additional inquiry is if there is not another method in use elsewhere?

Mr. CARTER. Perhaps so, but not on the land in question here.

Mr. MILLER. There is some controversy as to which brings in the largest remuneration to the mine owner. It has been found there, has it not, that this method of paying 8 cents per ton mine run is more valuable to the owner of the mine than, say, 12 cents per ton screened coal?

Mr. CARTER. Mr. Chairman, that would depend, of course, on the amount of slack that the coal might run. The coal in Oklahoma would, I judge, run about 30 per cent to 50 per cent slack, so that the rate of 8 cents a ton would produce a much larger royalty than 10 or 12 per ton on screen basis.

Mr. MILLER. Under this bill is it not possible for the Secretary of the Interior to prescribe almost any reasonable sum as a royalty, provided it is not less than 8 cents, mine run?

Mr. CARTER. He can raise or lower it, as he sees fit, above or below 8 cents a ton.

Mr. MILLER. How can he bring it below under this bill?

Mr. MANN. He can bring it below 8 cents under this bill.

Mr. CARTER. I was speaking of the present law.

Mr. MILLER. This bill safeguards the Indians from every standpoint as long as the Secretary of the Interior faithfully does his work.

Mr. CARTER. The bill gives safeguards to the leases made under its provisions which do not now exist in regard to other leases of land.

Mr. MILLER. This, as the gentleman knows, is touching on a subject that a great many minds have a right to be active about. Is it not the gentleman's opinion that there should be some comprehensive general legislation in the near future to take care of this entire coal question of the Choctaws and Chickasaws?

Mr. CARTER. Undoubtedly there ought to be provision made to dispose of the segregated mineral land, either by sale or by lease. It seems now that it might be impossible for us to sell the land under present conditions. So the only alternative left in justice to the Indians and the proper development of the country would be to lease the lands. Right now we are menaced by the lack of coal in parts of this very coal district, for the reason that leases can not be made that should be made. But this bill comes over from the Senate in its present form, and this is the first opportunity we have had for consideration without objection. It is now late in the session. If any substantial change is made in its provisions it may cause its defeat. Therefore we feel obliged to urge such relief as is contained in this measure.

Mr. MILLER. By the so-called supplemental agreement, under date of July 1, 1902, Congress agreed with the Indians that there should be a sale of the entire mineral area, something like 446,000 acres. I should like to ask the gentleman from Oklahoma if he thinks that as good a price could be received now as could have been received in 1904? What is the present market as to coal in that section?

Mr. CARTER. That is a question that is largely conjecture. The coal business in Oklahoma has been in pretty bad shape for the past several years on account of the oil and gas development near the coal lands. But as the supply of gas has become diminished to some extent and the railroads are reinstating coal burners the price of coal is again coming back somewhat to the normal conditions that existed before the discovery of oil and gas in Oklahoma.

Mr. MILLER. Mr. Chairman, I withdraw the pro forma amendment.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

SEC. 2. That all parts of the act entitled "An act to ratify and confirm an agreement with the Choctaw and Chickasaw Tribes of Indians, and for other purposes," passed and approved July 1, 1902, in conflict with the provisions of this act are hereby repealed.

Mr. MANN. Mr. Chairman, I move to strike out section 2.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 2, by striking out section 2.

Mr. MANN. Mr. Chairman, as it now stands, if enacted into law, it would repeal all of sections 56 to 63, inclusive, of the act of July 1, 1902, repealing, as I recall, the very basis of the original leases. That is not intended to be done, and there is no occasion for the repealing clause in the bill.

Mr. CARTER. Mr. Chairman, I differ with the gentleman from Illinois about that, but I see no necessity for section 2 in the bill.

Mr. MANN. Has the gentleman from Oklahoma looked up the act of July 1, 1902, to see what this would repeal?

Mr. CARTER. I am very familiar with the act of July 1, 1902.

Mr. MANN. It would repeal sections 56 to 63, inclusive, in the act of July 1, 1902, because they are all in conflict with this act.

Mr. CARTER. Oh, I do not think so. It would not repeal anything except in so far as the operation of its own provisions are concerned.

The act of July 1, 1902, sought to do two things, as follows: First, to provide for the sale of these lands; second, to prevent any further leasing of them. Now, this bill certainly does not, in any manner, contemplate a sale, but it does provide to lease under certain conditions, and to that effect it amends the act of July 1, 1902, whether this language remains in the bill or not; but there is no necessity for it.

Mr. MANN. The gentleman will notice that this provision does not even say "all parts of the act so far as they are in conflict with this act." It says it repeals all of the provisions which are in conflict with said act, and all of sections 56 to 63 of the original act are in conflict with this act.

Mr. BURKE of South Dakota. Mr. Chairman, I would suggest to the gentleman from Oklahoma that I think he ought to consent to the amendment.

Mr. CARTER. I have already expressed a willingness to consent to the amendment. It is immaterial and superfluous as I have just tried to show.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

Mr. CARTER. Mr. Chairman, I move that the committee do now rise and report the bill with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HUMPHREYS of Mississippi, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 3843, and had directed him to report the same back to the House with sundry amendments thereto, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en grosse. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question now is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

Mr. MANN. Mr. Speaker, I offer the following amendment to the title, which I send to the desk and ask to have read.

The Clerk read as follows:

Strike out the title of the bill and insert:

"Authorizing the Secretary of the Interior to lease to the operators of coal mines in Oklahoma additional acreage from the unleased segregated coal land of the Choctaw and Chickasaw Nations."

The SPEAKER. The question is on the amendment to the title.

The amendment was agreed to.

On motion of Mr. CARTER, a motion to reconsider the vote by which the bill was passed was laid on the table.

STANDARD FRUIT AND VEGETABLE BARRELS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 23113) to fix the standard barrel for fruits and vegetables.

The Clerk proceeded to read the bill.

Mr. ASHBROOK (interrupting the reading). Mr. Speaker, the gentleman from New Jersey [Mr. TUTTLE], the author of this bill, is not in the Chamber at this time. I ask unanimous consent that the bill be temporarily passed over without prejudice.

The SPEAKER. The gentleman from Ohio asks unanimous consent to pass this bill temporarily without prejudice. Is there objection?

Mr. MANN. Mr. Speaker, what does the gentleman mean by "temporarily"?

Mr. ASHBROOK. Mr. Speaker, I understand the gentleman from New Jersey will be here later in the day, and he desires to have the bill called up at that time.

Mr. MANN. Mr. Speaker, I do not think we ought to commence that practice.

The SPEAKER. The gentleman from Illinois objects.

Mr. MANN. Mr. Speaker, if the gentleman desires to pass the bill on the calendar, I have no objection.

Mr. ASHBROOK. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

NORTH RIVER BRIDGE CO.

The next business on the Calendar for Unanimous Consent was the bill (S. 4978) to supplement and amend the act entitled "An act to incorporate the North River Bridge Co. and to authorize the construction of a bridge and approaches at New York City across the Hudson River, to regulate commerce in and over such bridge between the States of New York and New Jersey, and to establish such bridge a military and post road," approved July 11, 1890.

The Clerk read the bill, as follows:

Strike out all after the enacting clause and insert:

"That section 2 of the act entitled 'An act to incorporate the North River Bridge Co., and to authorize the construction of a bridge and approaches at New York City across the Hudson River, to regulate commerce in and over such bridge between the States of New York and New Jersey, and to establish such bridge a military and post road,' approved July 11, 1890, be, and the same is hereby, so amended as to extend the time for the completion of the said bridge and approaches therefor for 10 years from the date of the approval hereof: *Provided*, That this act shall not be construed as authorizing the building of said bridge in accordance with plans heretofore approved by the Secretary of War, but drawings showing the location and plans of said structure shall again be submitted to him for his consideration and approval before construction shall be entered upon: *And provided further*, That actual work hereunder and in accordance with such plans so approved must be commenced within three years after the approval of this act, or in default thereof the grantee shall forfeit all rights and privileges hereby and herein granted.

"Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved."

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I reserve the right to object.

Mr. KINKEAD of New Jersey. Mr. Speaker, I object.

Mr. GOLDFOGLE. Mr. Speaker, I will ask the gentleman from New Jersey to reserve his objection for a moment.

Mr. KINKEAD of New Jersey. Very well.

Mr. HAMILL. Mr. Speaker, I ask unanimous consent to make a short statement with regard to my attitude and the attitude of my colleague upon this bill.

The SPEAKER. For how long?

Mr. HAMILL. For three minutes.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to address the House for three minutes. Is there objection?

There was no objection.

Mr. HAMILL. Mr. Speaker, this is a bill to incorporate the North River Bridge Co. The purpose of the charter is to enable the company to put a bridge over the North River, connecting the States of New York and New Jersey. When the bill first came up for consideration I objected to it, because I did not know what the purpose of the charter was. After a consultation with the gentleman from New York [Mr. GOLDFOGLE] and other persons interested in the bill, I came to the conclusion that it was a good bill and am still of that belief. I am, however, opposed to its consideration to-day for this important reason: The States of New York and New Jersey have appointed a joint commission to consider the advisability of building a bridge across the North River. That commission has been in communication with me through a personal call of some of its members, and they expressed fear that the rights which would be granted to the North River Bridge Co. might be exclusive of and detrimental to the rights given to the commission under the acts of the two legislatures.

They cite as an instance the fact that when the Williamsburg Bridge was built in New York City over the East River the municipality had to pay \$800,000 to a bridge company which had previously acquired rights on both sides of the stream, and the commission is fearful lest the same situation may develop with regards to the operations of the North River Bridge Co. Now, I am unwilling that the State of New Jersey, in the event of its determining to contribute to the erection of an interstate bridge, should be put in a position where it would be compelled to pay part of an indemnity to a bridge company formed under a Federal charter which vested certain rights in the company that should have been withheld in the act granting incorporation.

The amount both States would have to pay as part of the cost of construction would be a heavy enough burden upon the taxpayers without requiring an expenditure for such an incidental as I have mentioned. It is solely for this reason that I am compelled at this time to object. I am in favor of building a bridge across the North River because I fully realize what a great boon it would be to have the States of New York and New Jersey connected by that means. I do not share the belief expressed by some gentlemen on this floor that this company has no intention of building a bridge and that the only purpose in

procuring a charter is to enable the incorporators to issue stock and sell it to innocent buyers. From what I can learn I believe these incorporators are amply sound financially and that they are ready and able to construct a single span bridge which will, I understand, cost something like \$60,000,000. However, the rights granted by the bill under consideration might, as I said, conflict with other rights conferred on the joint commission appointed by the States of New York and New Jersey, and might put upon these States additional and unwarranted expense. I can not positively state that such would be the effect of this charter, but I can inform the House that the attorney for the interstate commission is carefully considering this bill to determine whether or not this would be so, and in a short time I expect he will let us know what his conclusions on the matter are. If the rights granted in this charter do not conflict with the rights of the commission or impose on the States the liabilities I have mentioned, then I want to be understood as being ardently in favor of the passage of this charter, and I will in that event do all I can to have the North River Bridge Co. obtain it. Therefore, Mr. Speaker, I am compelled to object.

I am sorry to disappoint my colleague [Mr. GOLDFOGLE] who for a long time has had this bill in charge. I realize how hard and patiently he has labored to have the bill enacted. I know with what diligence and persistency he has tried to overcome all objections. I hope, nevertheless, that I can bring about a conference between my colleague [Mr. GOLDFOGLE] and the members of the New York and New Jersey bridge commission which will bring about a friendly agreement as to the proper form of a charter for the North River Bridge Co., and I have no doubt he will then have the pleasure of seeing his work accomplished and a bridge bill passed.

Mr. GOLDFOGLE. Mr. Speaker—

The SPEAKER. The gentleman from New Jersey objects.

Mr. GOLDFOGLE. Will the gentleman from New Jersey kindly reserve his objection until I make a statement?

Mr. HAMILL. I will reserve my objection.

The SPEAKER. The gentleman withholds his objection.

Mr. GOLDFOGLE. Mr. Speaker, I thank the gentleman from New Jersey [Mr. HAMILL] for his courtesy and for his kind words of commendation uttered a few moments ago. This bridge contemplated by the bill has become a public necessity. I have stated on the floor here on a previous occasion the great necessity that exists for a bridge across the Hudson River. The ever-increasing population of both New York and New Jersey in the vicinity where the bridge is contemplated over there, the enormous increase in freight as well as passenger traffic, the absolute necessity under existing conditions of facilitating transportation, the fact that the present tunnels are for passengers only, all require that there should be no further hesitation in passing this measure. The mayor of New York City and the board of estimates have petitioned Congress to pass this bill so we can get this much-needed bridge.

Years ago, after the charter of the North River Bridge Co. was passed, financial depression set in and that for quite a while prevented the financing of the project. Happily that condition has long passed. Then there were engineering difficulties in the way. Those engineering difficulties have been surmounted and overcome, and the best engineers of this country, the most skillful we have, say that such a bridge as is contemplated can easily be built. I am but repeating to-day what I have said before, both to members of the Committee on Interstate and Foreign Commerce and to this House, that men perfectly reputable and of very high standing in the community from which I come have given assurances that there will be ample capital furnished to build the bridge. I ought to say, also, that some of the delay which occurred in proceeding with the work of construction was due to a protracted litigation that finally terminated in the company's favor in the Supreme Court of the United States, which court affirmed the validity of the charter. Now, I trust that the gentleman from New Jersey, who has been so very kind heretofore and so exceedingly courteous to me, can see his way clear to withdraw his objection; but if the gentleman from New Jersey still insists in opposing the measure for the reasons that he has already stated, may I ask the gentleman from New Jersey to allow this bill to be passed without prejudice?

Mr. HAMILL. We have no objection.

Mr. CALDER. Mr. Speaker, I ask unanimous consent to address the House for a minute or two on this subject.

The SPEAKER. Did the gentleman from New Jersey reserve his right to object, or did he make objection?

Mr. HAMILL. I still reserve the right to object, Mr. Speaker.

The SPEAKER. The gentleman from New York [Mr. CALDER] asks unanimous consent to address the House for two

minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. CALDER. Mr. Speaker, the authorities of New York City, including the mayor and board of estimate and apportionment, have adopted a resolution and forwarded it to the Speaker of this House recommending the enactment of this legislation. I rise simply, Mr. Speaker, to ask unanimous consent to insert in the RECORD at this time the resolution referred to.

Mr. HAMILL. Regarding what?

Mr. CALDER. Recommending the passage of this bill.

Mr. HAMILL. There are two North River bridge bills.

Mr. CALDER. I speak of the one now under consideration.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The resolution referred to is as follows:

Resolution of the board of estimate and apportionment of the city of New York.

Whereas a petition has been presented to this board by the North River Bridge Co., dated January 22, 1913, asking us to recommend to Congress the passage of an act, S. 4978, which provides for an extension of time for the construction of the proposed bridge over the Hudson River, extending from the State of New Jersey to the city of New York, which act has already passed the United States Senate; and

Whereas it is in our opinion in the public interest that such bill should be passed and that such a bridge should be built as soon as the location and character thereof, and the manner of its operation, are approved by the Secretary of War, the communities in New Jersey affected thereby, and this board: Now, be it

Resolved, That we favor the passage of said act by Congress; and further, be it

Resolved, That the mayor be requested to send to the House of Representatives copies of said petition and this resolution.

It is understood, however, that our approval of said act is upon the express condition that it shall be so worded that the free and unrestricted rights of the States of New York and New Jersey to erect a bridge at any location between said States shall be unimpaired, except at the location which may be finally selected for the bridge to be constructed by the North River Bridge Co.

I hereby certify that the foregoing is a true copy of a resolution adopted by the board of estimate and apportionment at a meeting of said board held on January 23, 1913.

Dated, New York, January 23, 1913.

JOSEPH HAAG,

Secretary Board of Estimate and Apportionment.

Mr. TOWNSEND. Mr. Speaker, I ask unanimous consent to address the House for three minutes, to explain why I am not in accord with my two colleagues, Mr. KINKEAD and Mr. HAMILL, and I ask them to temporarily withhold their objection.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to address the House for three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. TOWNSEND. Mr. Speaker, I see no reason why anyone, either from New York or New Jersey, should object to any legislation proposed here in the slightest degree helping or calculated to help the building of a bridge over the North River, connecting the city of New York with the New Jersey shore. We have here two bills, each proposing an extension of time to a company formed for the purpose of building a bridge such as I have suggested. Without attempting to pass on the relative merit or strength of these companies, I contend that we are more likely to get a bridge if we encourage two competing companies than if we discourage both, as is now proposed by my colleague, Mr. HAMILL.

There is an interstate commission for examining this problem, but there is no reason why we should not have two or three bridges there. One of these bills relates to an extension of time of a company which has already expended a quarter of a million of dollars in engineering work, in doing practical work, in boring the bed of the river, and so forth. The Legislature of New Jersey and the Legislature of New York have approved the proposed plans incorporated in one of these bills, and the Secretary of War also has approved these plans.

Mr. HAMILL. Will the gentleman yield for a question? I will ask for more time for him.

Mr. TOWNSEND. Certainly; I will yield to my colleague.

Mr. HAMILL. Does the gentleman believe this charter ought to be granted if it would exclude the commission from building a bridge anywhere within the same limits within which this company may build a bridge?

Mr. TOWNSEND. Certainly not, Mr. Speaker. There is ample room on Manhattan Island and in the State of New Jersey for the approaches to three bridges. Across the East River there are already four bridges.

Mr. HAMILL. The gentleman does not get my point. I will state it again. This company may, I understand, build the bridge between Forty-second Street and Fifty-ninth Street, New York. Now, if this privilege would exclude the commission from putting a bridge within those limits, would the gentleman then favor this bill to the exclusion of the right of the commission?

Mr. TOWNSEND. My colleague makes an inference that is not founded upon good reason. The Brooklyn Bridge and the Manhattan Bridge are as near in their terminals as these two bridges would be if they were in the same district indicated by my colleague.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAMILL. Mr. Speaker, I would like to have the gentleman yield for a moment.

Mr. ADAMSON. Mr. Speaker, I would like to make two or three remarks about this bill, inasmuch as it and the next one on the calendar came from our committee. It is true both of these bills are in behalf of enterprises that have been before the public for a long time, and the objection, I understand, now about extending the authority in the two cases is that they are thought to be speculative and that there is no prospect of building a bridge. All of us would be glad to see a bridge or two bridges or more, if they could be built, and all I have to say will be said without deciding the question of whether or not there is money in sight to build either. So we reported them both together, and if anybody objects to one I want both objected to, because I want them to stand or fall together. If they are speculative, I want them both in the field instead of one.

Mr. FOSTER. The gentleman from Georgia need not be afraid about that.

Mr. MANN. Will the gentleman from Georgia yield?

Mr. ADAMSON. Yes, sir; I yield.

Mr. MANN. Does the gentleman believe that at this time there is a field for profitable operation of two bridges across the Hudson River at New York?

Mr. ADAMSON. If the charge be true that either enterprise is speculative, only reaching out and trying to make money by building a bridge or promoting such project, we would be just as safe with two authorizations as one. I prefer to have the two.

Mr. MANN. Ought not the gentleman's committee to determine as to what company shall be permitted to build a bridge there, so that two companies will not be authorized, one possibly intending to build a bridge and the other intending to sell stock to innocent purchasers for the purpose of taking care of themselves?

Mr. ADAMSON. Both enterprises have been complimented with that charge.

Mr. MANN. I understand.

Mr. ADAMSON. The gentleman having long been a great ornament to the committee of which I have the honor to be the chairman—

Mr. MANN. An able and efficient chairman—

Mr. ADAMSON (continuing). Is thoroughly familiar with the fact that these charges have been bandied back and forth, and we have renewed this authority two or three times in the last 20 years. It is unnecessary to say, even if it were in order, who opposed and who supported the granting or the ordering of these reports.

Mr. MANN. It seems to me, if the gentleman will permit, if a bridge is needed across the Hudson River at New York, the gentleman's committee ought to determine, before it makes a recommendation or gives authority, that somebody is able to raise the money and carry on the enterprise, and that we ought not to pass one or two speculative propositions in order to aid gentlemen selling stock, which I am afraid both of these are for.

Mr. ADAMSON. It is not violating any propriety to say that several members of the committee made that same suggestion that has been made by the gentleman from Illinois a good many times before the report was made.

Mr. HAMILL. Mr. Speaker—

The SPEAKER. Is there objection?

Mr. ADAMSON. I would like just to add, in conclusion, Mr. Speaker, that if any man with the money in bank or to his credit, according to reputation, would say to our committee that the money is in hand to build the bridge, that bridge company could get authority from our committee unanimously any day without any question about it.

Mr. GOLDFOGLE. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Georgia [Mr. ADAMSON] yield to the gentleman from New York [Mr. GOLDFOGLE]?

Mr. ADAMSON. Yes; I yield.

Mr. GOLDFOGLE. I desire to ask the gentleman from Georgia [Mr. ADAMSON], the chairman of our committee, whether it is not a fact that one of New York's most prominent, substantial, and best-standing citizens wrote a letter, which I showed to the gentleman, vouching for the fact that capital was ready for the building of this bridge, and that gentlemen of responsibility and of high standing in financial circles stood

ready to pay in sufficient money to carry on the building and construction of the bridge?

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. ADAMSON. I will answer that. Answering that, Mr. Speaker, the distinguished gentleman from New York did show me a letter from a great and learned man expressing opinions as to what they would be able to do after this authority is granted.

Mr. GOLDFOGLE. No; his absolute assurances.

Mr. ADAMSON. I have also had letters from the mayor and other men also making these same promises and reasoning as to what they would be able to do in the market after the authorization was granted. I have written to every single one of them to the effect that "if one of your numerous money kings of New York shall write me saying that the money shall be forthcoming you will secure the passage of these bills."

Mr. GOLDFOGLE. The gentleman from Georgia, I hope, will concede that the gentleman I referred to as having written the letter I showed him is a highly reputable citizen of high standing in our community.

Mr. ADAMSON. Yes; but he did not say the money was ready, but thought it could be raised.

Mr. GOLDFOGLE. Yes; he said the money was ready.

Mr. MANN. Does not the gentleman from Georgia [Mr. ADAMSON] remember, having served on the Committee on Interstate and Foreign Commerce for many years with me, that when he and I first served on that committee we heard the same roseate representations as to the prospect of the next 10 years in the history of this bridge after the first 10 years were about to run out?

Mr. ADAMSON. Yes. I not only remember that, but I remember that President McKinley called an extra session of Congress at that time, so that the gentleman from Illinois and I, as we had just been first elected, could show to the public the benefit of our service [laughter], and a picture of that bridge was then hung in our committee room, and it is hanging there yet.

I want to be honest with this House, and I want to say that those gentlemen have not shown to us that there is money in readiness to be paid out. If it is their desire to be licensed to go out fishing for capital, I do not want them to have a monopoly; I want them to have competition.

Mr. HAMILL. Mr. Speaker, I just want to get into this frightfully turbulent discussion one word edgewise. [Laughter.]

Mr. ADAMSON. It is good-humored. We are giving the gentleman some good jokes. [Laughter.]

Mr. HAMILL. I am thoroughly convinced of the necessity of building a bridge across the North River, and for no other reason than that the present tunnel under the North River is inadequate for carrying freight across the river through the tunnels to the terminal in New York, but, as I stated, the rights which we might grant by this charter may possibly conflict with rights conferred on the joint commission formed by the Legislatures of New York and New Jersey, and it is because of that that I am objecting at this time to the consideration of this bill.

The SPEAKER. Is there objection?

Mr. COX. I object.

Mr. HAMILL. Yes; I object.

The SPEAKER. The gentleman from New Jersey [Mr. HAMILL] and the gentleman from Indiana [Mr. Cox] both object. The bill is stricken from the calendar. The Clerk will report the next one.

NEW YORK & NEW JERSEY BRIDGE COMPANIES.

The next business on the Calendar for Unanimous Consent was the bill (S. 5659) to supplement and amend an act entitled "An act to authorize the New York & New Jersey Bridge Cos. to construct and maintain a bridge across the Hudson River between New York City and the State of New Jersey," approved June 7, 1894.

The Clerk read the title of the bill.

Mr. AYRES. Mr. Speaker, I ask unanimous consent that this bill be passed without prejudice.

The SPEAKER. The gentleman from New York [Mr. AYRES] asks unanimous consent to pass this bill without prejudice. Is there objection?

Mr. GOLDFOGLE. Reserving the right to object—

Mr. MANN. Reserving the right to object, let me ask the gentleman what possible good will it do to keep this bill on the Unanimous Consent Calendar, occupying a little space there, when the gentleman knows that the bill can not pass on the Unanimous Consent Calendar?

Mr. AYRES. If the gentleman states that to be true, I will not ask it.

Mr. MANN. It is true if I live.

Mr. FITZGERALD. Mr. Speaker, this bill and the preceding one must go together.

The SPEAKER. Is there objection?

Mr. GOLDFOGLE, Mr. FITZGERALD, and Mr. HAMILL objected.

The SPEAKER. The bill will be stricken from the Calendar for Unanimous Consent, and the clerk will report the next bill.

LAND IN KANSAS CITY, KANS.

The next business on the Calendar for Unanimous Consent was the bill (S. 3952) for the purpose of repealing so much of an act making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indians located in Kansas City, Kans., providing for the sale of a tract of land located in Kansas City, Kans., reserved for a public burial ground under a treaty made and concluded with the Wyandotte Tribe of Indians on the 31st day of January, 1855 (said section of said act relating to the sale of said land), be, and the same is hereby, repealed.

The bill was read, as follows:

Be it enacted, etc., That so much of an act making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1907, approved June 21, 1906, providing for the sale of a tract of land located in Kansas City, Kans., reserved for a public burial ground under a treaty made and concluded with the Wyandotte Tribe of Indians on the 31st day of January, 1855 (said section of said act relating to the sale of said land), be, and the same is hereby, repealed.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Chair understands that the gentleman from Kansas [Mr. TAGGART] desires to offer an amendment to this bill.

Mr. TAGGART. Mr. Speaker, I offer an amendment to remove an objection that was made to this bill by the gentleman from Illinois [Mr. MANN] when the bill was considered on a former occasion.

The SPEAKER. The gentleman will send up his amendment.

Mr. TAGGART. I send the amendment to the Clerk's desk.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Strike out all the words in line 3, page 2, after the word "six," and all of lines 4, 5, 6, and 7, and the words "relating to the sale of said land," in line 8, and insert in lieu thereof the following:

"That the Secretary of the Interior is hereby authorized to sell and convey, under such rules and regulations as he may prescribe, the tract of land located in Kansas City, Kans., reserved for a public burial ground under a treaty made and concluded with the Wyandotte Tribe of Indians on the 31st day of January, 1855. And authority is hereby conferred upon the Secretary of the Interior to provide for the removal of the remains of persons interred in said burial ground and their reinterment in the Wyandotte Cemetery at Quindaro, Kans., and to purchase and put in place appropriate monuments over the remains reinterred in the Quindaro Cemetery. And after the payment of the costs of such removal, as above specified, and the costs incident to the sale of said land, and also after the payment to any of the Wyandotte people, or their legal heirs, of claims for losses sustained by reason of the purchase of the alleged rights of the Wyandotte Tribe in a certain ferry named in said treaty, if, in the opinion of the Secretary of the Interior, such claims or any of them are just and equitable, without regard to the statutes of limitation, the residue of the money derived from said sale shall be paid per capita to the members of the Wyandotte Tribe of Indians who were parties to said treaty, their heirs, or legal representatives."

Mr. BURKE of South Dakota. There was a further amendment intended to be included.

Mr. TAGGART. It was intended to include the words "as reads as follows" before the words proposed to be inserted.

The SPEAKER. If there be no objection, the Clerk will make that modification.

Mr. FERRIS. Mr. Speaker, I desire to inquire if this amendment changes the purpose of the bill, or does it simply change the verbiage of the bill?

Mr. TAGGART. It simply makes the intention of the bill definite and certain, leaving no doubt as to what is repealed and what the intention of the bill is.

Mr. FERRIS. Does it accomplish for these Indian women what the gentleman hopes to accomplish?

Mr. TAGGART. It accomplishes precisely what they have demanded and what was the evident intention of the Senate in passing the bill, inasmuch as this paragraph is contained on page 2 of the report accompanying the bill.

Mr. FERRIS. The gentleman from Kansas [Mr. TAGGART] and the gentleman from Illinois [Mr. MANN] had a conversation about it last week, and the gentleman from Illinois was of the opinion at that time that the bill, in fact, did not accomplish anything, I think.

Mr. MANN. It repealed a great deal that the gentleman did not wish repealed. Now the gentleman in his amendment recites the language he wishes to repeal.

Mr. FERRIS. The trouble about it was that the amendment was so long I could not exactly catch it.

Mr. TAGGART. That is the language of the paragraph that is sought to be repealed. I did not draw the bill and had no share nor part in it.

The SPEAKER. The Clerk will report the additional language that the gentleman wishes to put in the amendment.

The Clerk read as follows:

As reads as follows.

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the Senate bill as amended.

The bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "An act repealing the provision of the Indian appropriation act for the fiscal year ending June 30, 1907, authorizing the sale of a tract of land reserved for a burial ground for the Wyandotte Tribe of Indians in Kansas City, Kans."

CONVEYANCE OF CERTAIN LANDS TO THE STATE OF TEXAS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 27875) authorizing the President to convey certain lands to the State of Texas.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States be, and he is, in his discretion, hereby, authorized to direct the Secretary of the Interior to convey to the State of Texas, for the use of the State experimental station in connection with the agricultural research and demonstration work, such portions of the old Fort Brown Military Reservation as he may deem advisable: *Provided*, That should the State of Texas fail or refuse to use the property herein authorized to be conveyed for the purposes above set out, it shall revert to the United States and become a part of the public domain thereof.

With the following amendment recommended by the committee:

Amend, by adding after the word "authorized," in line 4, the words "in his discretion, to direct the Secretary of the Interior."

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I would like to ask the gentleman from Texas how much land is involved in this tract.

Mr. GARNER. The Agricultural Department has requested 280 acres. My understanding is that the buildings occupy about 40 acres, and there is about 320 acres in the tract.

Mr. MANN. The intention is to turn over the entire 320 acres?

Mr. GARNER. No; the intention is to convey that portion of the land set out in the President's order of June 12, 1912, which is set out by metes and bounds.

Mr. MANN. The Government is now maintaining an experimental station on the land?

Mr. GARNER. Yes.

Mr. MANN. If it is turned over to the State of Texas the State will maintain it and partially relieve the Government from the expense of its further maintenance?

Mr. GARNER. The Government intends to cooperate with the State of Texas.

Mr. MANN. The bill provides that should the State of Texas fail or refuse to use the property herein authorized to be conveyed for the purposes above set out, it shall revert to the United States. Does that mean fail or refuse at any time?

Mr. GARNER. I suppose so.

Mr. MANN. Then, why not say so?

Mr. GARNER. Well, this is the usual clause that is put in every bill. I do not want the property used for any purpose except what the bill says it shall be used for.

Mr. MANN. The last part of the proviso is that if it is not so used it shall revert to the United States and become a part of the public domain thereof. If it became a part of the public domain, would it be subject to entry in any shape? Why not say that it shall revert to the United States?

Mr. GARNER. I care nothing about it; it is a part of the public domain of the United States now. It was transferred from the War Department to the Interior Department some months ago.

Mr. MANN. In one sense it is a part of the public domain, and if so, it does not need to recite it here.

Mr. Sisson. Will the gentleman from Texas yield?

Mr. GARNER. Yes.

Mr. Sisson. Does the gentleman know what this land is worth?

Mr. GARNER. I do not know that I can state to the gentleman with any degree of accuracy the value of the land. If it is land subject to irrigation from the Rio Grande, it would be worth \$100 an acre. If it is not subject to irrigation, I should think \$10 or \$25 an acre would be all that it was worth.

Mr. Sisson. Does the gentleman know what the Government paid for it?

Mr. GARNER. I have no idea. It is an old fort, over 60 years old, and it is right on the edge of Brownsville.

Mr. FITZGERALD. Will the gentleman yield?

Mr. GARNER. Yes.

Mr. FITZGERALD. Does the gentleman expect the United States to give Texas all of the military reservations in that State?

Mr. MANN. Not all at once. [Laughter.]

Mr. GARNER. Speaking for myself, I have an idea about what ought to be done with these abandoned posts. I may as well state my own personal views about it now. If the information I get is correct, and especially applied to these two posts that were spoken of, they ought to be used for public purposes, and I will tell the gentleman why. You can not possibly sell these houses at the post the gentleman referred to a moment ago at Fort Clark, Tex., for 10 per cent of the value that they could be put to for public purposes, such as a tuberculosis sanitarium.

Mr. MANN. The gentleman is willing to make one agreement, I suppose, that as long as he is here he will not ask for more than two forts to be turned over in any one year? [Laughter.]

Mr. GARNER. I think that would be fair and liberal on my part.

The SPEAKER. Is there objection?

Mr. FOSTER. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Texas if it is the intention of the department to go ahead and do the same amount of work on this reservation that it is now doing?

Mr. GARNER. It will cooperate with the State.

Mr. FOSTER. Or is it the intention that the National Government shall withdraw its support from this particular tract of land?

Mr. GARNER. Mr. Speaker, I will say to the gentleman from Illinois [Mr. FOSTER] that there is now before the Legislature of Texas a proposition for an appropriation of \$25,000, and I have information from the chairman of the finance committee of the senate, as well as from members of the house of representatives, that if this bill goes through \$25,000 to continue this work there will be appropriated by the Texas Legislature. It is my understanding from Dr. Galloway that the United States Government will cooperate, but to what extent or in what manner I am not informed; but it is the policy of his department to encourage the States as much as possible to do this work under their supervision and suggestion.

Mr. FOSTER. Would the gentleman from Texas be willing to put in an amendment providing that the National Government should not expend any more money on this particular tract?

Mr. GARNER. I should think it would be very unwise to prohibit the National Government from cooperating with the State in a situation of this kind.

Mr. FOSTER. Would the gentleman be willing to provide that the State must appropriate not less than \$25,000 before this transfer is made?

Mr. GARNER. I think that would be an undesirable provision. The question here is simply whether or not the Agricultural Department shall continue to appropriate \$20,000 each year to keep up this garden, as it does in California and in Florida—there are three of them in the United States—or whether it will permit the State of Texas through its legislature to carry on this work under the supervision and instruction of the Agricultural Department.

Mr. FOSTER. If the State of Texas is going to do that, I do not see any particular objection to the bill.

Mr. GARNER. My information is that they are making an effort. It does not lie within the power of any man to foretell the acts of the Legislature of the State of Texas or the acts of the Congress of the United States.

Mr. FOSTER. This may help them to get the appropriation.

Mr. GARNER. I think when this bill becomes a law it will be an incentive.

Mr. FOSTER. Then the gentleman thinks it would not be wise to provide either one of these conditions. Would it not be well to lease this to the State of Texas?

Mr. GARNER. I do not understand this is anything more than a perpetual lease. If the State fails to use this for any other purpose than that for which it is conveyed, it will revert to the United States.

Mr. MANN. Mr. Speaker, does not my colleague think we can afford to give any State in the Union some land to carry on experimental work in preference to giving it the money out of the Federal Treasury?

Mr. FOSTER. My colleague probably was not in the Chamber at the moment I asked the gentleman from Texas if he would be willing to have an amendment inserted providing that the Government should not expend any more money there.

Mr. MANN. Oh, but the Government may wish to make some experiments there itself, but meanwhile the State of Texas has to carry on this experimental work now being carried on exclusively by the United States, and if the State fails to do that the property goes back to the United States Government.

Mr. FOSTER. I do not think that under the terms of this bill there is any reason for the National Government not expending the same amount of money in the future as in the past.

Mr. MANN. Even if it does, the State of Texas will have to spend most of the money.

Mr. FOSTER. I will ask the gentleman from Texas, then, if he is willing to put in a provision that the State of Texas this year shall appropriate \$25,000, which the gentleman from Texas thinks it is going to do.

Mr. MANN. I know, but the gentleman from Texas objects to that as a matter of courtesy between legislative bodies. [Laughter.]

Mr. FOSTER. It may be a matter of economy to the State of Texas.

Mr. MANN. Does not my colleague think that if we can work the State of Texas into this that we ought to do it?

Mr. FOSTER. Oh, yes.

Mr. SHERLEY. Does the gentleman from Illinois think that we will ever be successful, through a member of the Texas delegation, in working the State of Texas for anything?

Mr. MANN. Oh, yes; we worked them last year for a tuberculosis sanitarium.

Mr. SHERLEY. And they worked us for a lot of valuable property.

Mr. MANN. We worked them for a sanitarium, or sanatorium; I have forgotten which it was in this case.

Mr. FOSTER. Mr. Speaker, in view of the gentleman's explanation, as good as he is able to make, and his plea for the State of Texas, I shall not object.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. GARNER. Mr. Speaker, there are committee amendments.

The SPEAKER. The Clerk will report the first committee amendment.

The Clerk read as follows:

Page 1, line 3, after the word "is," at the end of the line, insert the words "in his discretion."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Page 1, line 4, after the word "authorized," insert the words "to direct the Secretary of the Interior."

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Speaker, I move to amend, in line 9, by inserting, after the word "Texas," the words "at any time."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 9, after the word "Texas," insert the words "at any time."

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Speaker, I move to amend, page 2, lines 2 and 3, by striking out "and become a part of the public domain thereof."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, lines 2 and 3, strike out the words "and become a part of the public domain thereof."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. GARNER, a motion to reconsider the vote by which the bill was passed was laid on the table.

AMERICAN COMMISSION FOR INVESTIGATION OF RURAL CREDITS IN EUROPE.

The next business on the Calendar for Unanimous Consent was S. J. Res. 132, providing for an American commission for the investigation of rural credits in Europe.

The Clerk read as follows:

Whereas the Department of State of the United States detailed, upon the application of the Southern Commercial Congress, David Lubin, American delegate to the International Institute of Agriculture, Rome, Italy, to direct a conference on agricultural finance, held under the auspices of the Southern Commercial Congress in Nashville, Tenn., April 1 to 6; and

Whereas 27 States were represented through delegates in the conference; and

Whereas resolutions were unanimously adopted providing for an American commission to go abroad for the investigation of rural credits in Europe; and

Whereas the Southern Commercial Congress will send the commission abroad, composed of delegates from all States of the United States, to report to the International Institute of Agriculture (which under treaty is supported by the Government of the United States), at the time of the meeting of the General Assembly of the International Institute of Agriculture, May, 1913: Therefore be it

Resolved, etc., That the Congress of the United States, in recognition of the valuable service to be rendered the United States in the investigation of the European systems of agricultural finance, hereby indorses the proposed American commission and invokes for it the diplomatic consideration of the countries to be included in the itinerary.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask some gentleman upon what theory is the committee proceeding in having Congress interfere in diplomatic relations directly?

Mr. MOSS of Indiana. Mr. Speaker, this resolution has passed the Senate unanimously and has been reported unanimously by the Committee on Foreign Affairs. It does not call for a dollar's expenditure on the part of the United States Government. It is an effort on the part of certain persons to begin at their own expense a cooperative study of certain questions affecting the agricultural prosperity in the United States, and they would like to have an opportunity to do so under the most favorable circumstances, and therefore are asking from Congress an official recognition of the project and seeking to obtain certain diplomatic courtesies from Governments in Europe. Now, Mr. Speaker, this question has been referred to the President of the United States, and I shall ask permission to insert in the RECORD as a part of my remarks the remarks which President Taft made at a dinner held here in Washington a few days ago specifically indorsing this particular project and this particular inquiry. I shall ask also, without taking the time to read it, Mr. Speaker, to insert in the RECORD a letter which Sir Horace Plunkett, a member of the British Parliament, wrote to Gov. Woodrow Wilson, calling his attention to this particular commission and the scope of it, and asking him to express his approval or disapproval. I will insert his reply, and at this point I should like to read the letter which Gov. Wilson wrote in reply specifically indorsing this project.

The letter is as follows:

STATE OF NEW JERSEY, EXECUTIVE DEPARTMENT,
January 30, 1913.

HON. DUNCAN U. FLETCHER, Washington, D. C.

MY DEAR SENATOR: The inclosed letter from Sir Horace Plunkett will explain itself. I had a long talk with Sir Horace the other day, and I write now, as he suggests, to tell you that the proposed enlargement of the scope of inquiry by the commission which is to visit Europe has my entire and cordial approval. I think there are few safer guides than Sir Horace Plunkett.

Cordially and sincerely, yours,

WOODROW WILSON.

So this, Mr. Speaker, is a movement which has not only the indorsement of President Taft but that of President Elect Wilson.

Mr. BATHRICK. Will the gentleman yield?

Mr. MOSS of Indiana. With pleasure.

Mr. BATHRICK. Do I understand the gentleman to say that the project of farm credits, or the proposed commission to investigate farm credits, has the indorsement of Woodrow Wilson?

Mr. MOSS of Indiana. The proposed commission and its visit to Europe is what he referred to.

I hold in my hand, Mr. Speaker, also resolutions of indorsement that were passed by the American Association of Commercial Executives, by the Farmers' National Congress, by the National Grange, by the Chambers of Commerce of the United States, and by the Farmers' Educational and Cooperative Union of America, which I will ask also to insert as a part of my remarks.

Now, Mr. Speaker, without arguing this question further, I desire to say when this commission was proposed it was primarily to study the European system of agricultural credits. And it was to be composed of delegates, two from each State of the Union, to go at their own expense, or at the expense of the local organization nominating them. There have been acceptances from practically every State in the Union and from certain Provinces in Canada. But since that time there has been a change made in the purposes of the commission which greatly enlarges the scope of it.

Mr. KINDRED. Will the gentleman yield?

Mr. MOSS of Indiana. With pleasure.

Mr. KINDRED. Does this bill carry with it any appropriation?

Mr. MOSS of Indiana. It does not carry a dollar of appropriation. That is probably the only mistake that has been made in this movement. When the immigration question reached Congress an appropriation of hundreds of thousands of dollars was made to send a commission abroad to study that question, but the farmers of the country, recognizing the fact that this movement is essentially a cooperative matter, and that it is a ques-

tion with which the National Government properly has very little to do, assumed the initiative and proposed to study it at their own expense, and all that they are asking of Congress is that this activity shall have the recognition of Congress, and thereby assure the diplomatic courtesies of the European countries which it is proposed to visit.

Now, as I said, Mr. Speaker, there has been a change and enlargement in the scope of this inquiry which makes it a study more particularly of the cooperative methods of farmers themselves, as related to the whole branch of agricultural production and agricultural distribution, rather than to the one question of agricultural credit; and if it is carried out it will be an American commission to inquire into the organization of agricultural business in Europe. The inquiry will embrace an examination of the methods employed by the progressive agricultural communities in production and marketing and in the financing and all similar operations. Special note will be taken first of the parts played, respectively, in the promotion of agriculture by the Government and by volunteer organizations of the agricultural classes; second, the application of the cooperative system to agricultural production, distribution, and finance; third, the effect of cooperative action upon social conditions in rural communities; fourth, relation of the cost of living to the business organization of the food-producing classes.

Mr. Sisson. Will the gentleman yield a moment?

Mr. MOSS of Indiana. Certainly.

Mr. Sisson. I want to state to the gentleman that I am in sympathy with the movement that is on foot to establish a proper system of agricultural credits. How will the personnel of this commission be selected?

Mr. MOSS of Indiana. It is to be selected by recommendation from governors of the States, so far as the governors may make nominations; also by responsible commercial bodies of the States and by invitations extended by the Southern Commercial Congress and accepted by representative individuals who are willing to pay their own expenses.

Mr. Sisson. What I am endeavoring to arrive at is what part the different farmers' organizations will have, throughout the respective sections of the country, to do with the selection of these delegates.

Mr. MOSS of Indiana. Farmers' organizations have the same right as commercial organizations to select delegates, provided they pay the expense.

Mr. Sisson. Of course, the gentleman appreciates the value of the report depends largely on the character of this commission. If the commission is of a character in sympathy with this movement, you would get recommendations which might result in a great deal of good, and information that might result in a great deal of good; but if it should be made up of men who might take a different view of the situation we might get the very information we do not want.

Mr. MOSS of Indiana. There are at present, Mr. Speaker, more than 60 acceptances.

Mr. Sisson. Can the gentleman give me any information in a general way, about who these men are?

Mr. MOSS of Indiana. I have said, Mr. Speaker, that I do not have the personnel; but the governors of certain States, and more particularly of the Southern States, have made nominations, and where the governor of any State nominates two delegates they are recognized as the official delegates. I think that in most of the Southern States the governors have made nominations; but as to some of them I am not sure.

Mr. BARTLETT. Will the gentleman permit me to say in answer to his question, that I know the gentleman selected from my State, Mr. Harvey Jordan, who was at one time president of the Cotton Growers' Association. That is the character of the selection from my State. I know he was selected for that purpose by those authorized to select him. There was no economy in selection, so far as he is concerned.

Mr. Sisson. The gentleman states that this is to be without expense to the Federal Government?

Mr. MOSS of Indiana. Absolutely.

Mr. Sisson. Now, in the event these gentlemen accept the appointment and go on this commission, there will be no purpose on their part to ask Congress to defray any expenses they might incur?

Mr. MOSS of Indiana. Absolutely none.

Mr. BATHRICK. Mr. Speaker, will the gentleman yield?

Mr. MOSS of Indiana. With pleasure.

Mr. BATHRICK. I desire to ask whether any farm organizations have been requested officially to name any person on this commission?

Mr. MOSS of Indiana. That I can not say, specifically, Mr. Speaker, because I have not that information. But I do know that any farm organization that nominates a delegate and pro-

vides for his expenses is welcome to have that delegate go with the commission. Members of this House and Members of the Senate have also accepted and are to be members of this commission.

Mr. BATHRICK. Another question, please. I am entirely in sympathy with any method of investigation looking to the ascertainment of facts respecting a farm credit system. Does not the gentleman think that it will hasten legislation or action in some direction toward getting a farm credit system if this commission were asked to report at an early date?

Mr. MOSS of Indiana. I will state in regard to that, Mr. Speaker, that I do not regard this question as requiring national legislation. I believe that this is a question of purely State legislation, and in no sense of the word will it come within the purview of national legislation. That is my view of the matter.

Mr. BATHRICK. I believe that the gentleman will ascertain himself later that it is a matter of national legislation and that it will be considered.

Mr. MOSS of Indiana. This only emphasizes that this is a question requiring considerable thought and study, and this is the first systematized and organized effort which has been made in the United States to study it.

Mr. BURKE of Pennsylvania. Mr. Speaker—

The SPEAKER. Is there objection?

Mr. MANN. I reserve the right to object.

Mr. BURKE of Pennsylvania. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. MOSS of Indiana. With pleasure.

Mr. BURKE of Pennsylvania. The gentleman stated that the present Chief Executive had indorsed this. Did he indorse this resolution, or did he indorse the Southern Commercial Congress? What is the expression?

Mr. MOSS of Indiana. I will say to the gentleman that the Southern Commercial Congress gave a dinner here in the city at which Sir Horace Plunkett was a guest and at which President Taft himself was a guest, and that President Taft, discussing this matter, used these words:

The subject of credits and the necessity for improving the method of the securing of better credit for the farmers is one that I have discussed; taking much of it on credit, because I have not had the personal experience that justifies me in speaking with any authority. The results that we have seen in Germany and in France and other countries—doubtless in Ireland—makes me think that we would be without our usual willingness to adapt anything good that we see unless we take up this subject, study it, as you propose to study it, through your commission, and then adapt it to the States in so far as it may be adapted to our civilization and our people.

It was specifically, Mr. Speaker, an indorsement of this particular commission and its method of going to Europe and making this study.

Mr. BURKE of Pennsylvania. Has either the President or Mr. Wilson or the chambers of commerce of the United States particularly indorsed this particular provision that the Congress of the United States invokes for it the diplomatic consideration of the countries to be included in the itinerary? Has anybody holding any official position indorsed that particular proposition?

Mr. MOSS of Indiana. Why, Mr. Speaker, I do not think it would be necessary for the President of the United States or any incoming President of the United States to petition Congress to extend a courtesy to a group of representative American citizens, comprising from 60 to 100, who are going abroad to spend 60 days, at their own expense, in a study that must be prosecuted in European countries. This is a request for an official recognition by Congress in order that European countries which they are going to visit may extend every opportunity to prosecute their studies, with the understanding that they are to meet their own expenses and to make reports to the States and organizations which send them.

Mr. BURKE of Pennsylvania. Does the gentleman know of anything by which Congress directly invoked the diplomatic consideration of other countries?

Mr. MOSS of Indiana. I know of no precedent, but if a precedent is wanting I favor making it.

Mr. BURKE of Pennsylvania. Would it not be a bad one—

Mr. MOSS of Indiana. That is a matter about which there may be a difference of opinion—

Mr. BURKE of Pennsylvania (continuing). To set aside all the traditions and all the practices of a well-ordered government?

Mr. MOSS of Indiana. I should like to say that my service in the House has been very short, and I came here from the farm. Therefore I have not had large opportunity of studying the precedents of Congress. So I can not answer the gentleman's question more fully; but I will say that I can see no impropriety whatever in the Congress of the United States giving official recognition to a body of representative American citi-

zens who are going abroad to study a question that has been recognized by every national platform that has been written in the past campaigns and to carry out a mission which has been specifically indorsed by the President of the United States and by the man who in four weeks will be President of the United States. More than that, the question of the high cost of living is one, I think, that is being discussed as generally as any other question before the people. The President of the United States within a week has said that the American Nation are at a point where they will soon be importing food to feed the American people. The Government, both State and National, is spending large and ever-increasing sums in agricultural education. Yet consumption steadily gains on production. The farmer under present conditions sells his products to the middlemen, who in turn become the purveyors of our population. The official reports of the Secretary of Agriculture disclose that the middleman increases the average price 65 per cent to the consumer. In many instances the producer sells at a loss, while the consumer pays an extortionate price, with only the middleman making a profit. Under these circumstances it seems to me that Congress should not hesitate to take this action.

Mr. SHERLEY. Mr. Speaker, I think one point that is in the minds of a good many of us here is why the Government should undertake to commend a body of men over whose selection it has no control. In other words, you are asking Congress to give an unusual letter of credit to a group of men the personnel of which we know nothing about. Now, if it is so important that the Government itself should ask other Governments to consider representatives from this country, ought not the Government, as a Government, to select those representatives? And when has the State become so obscure that the accredited representatives from a State need an additional indorsement in order to receive consideration abroad?

Mr. MOSS of Indiana. Mr. Speaker, that is a question that goes to every man in his representative capacity, and will have to be answered by each one upon his own responsibility. It is a question that I am not here to answer, only for myself and to my constituents.

Mr. SHERLEY. But it is proposed that Congress shall ask consideration for them abroad.

Mr. MOSS of Indiana. This matter has passed the Senate unanimously.

Mr. SHERLEY. A great many things pass the Senate unanimously.

Mr. MOSS of Indiana. It has received the approval of the President and of the incoming President.

Mr. MANN. Will the gentleman yield for a question?

Mr. MOSS of Indiana. Certainly.

Mr. MANN. If consideration is given for this resolution, does the gentleman intend to offer any amendment to it, or to pass it as it is?

Mr. MOSS of Indiana. To pass it as it is.

Mr. MANN. Who appoints these delegates?

Mr. MOSS of Indiana. They are to be appointed, in large part, by the governors of the States.

Mr. MANN. The resolution says the Southern Commercial Congress will send the commission abroad.

Mr. MOSS of Indiana. The Southern Commercial Congress initiated the movement and is in nominal control only.

Mr. MANN. Is that the fact, or is it not?

Mr. MOSS of Indiana. This commission received its initiative from the Southern Commercial Congress, but the Southern Commercial Congress is asking the governors of the States and other authorities to make the nominations.

Mr. MANN. That may be, but does the Southern Commercial Congress intend to name the men? The resolution says "delegates from all the States." Is it necessary before they go abroad that there shall be delegates from each State?

Mr. MOSS of Indiana. No, sir; that is not necessary. It is an opportunity for all of the States to send delegates.

Mr. MANN. Then the resolution is not accurate in that respect, because it says "delegates from all the States."

Mr. MOSS of Indiana. I know there have been acceptances to the number of more than 60 of these delegates, but no man can tell to-day whether there will actually be representatives from every State.

Mr. MANN. That is what I thought. Therefore it seems to me improper to recite it in the resolution, which may be presented to somebody, when it may not be true. Now, is it expected that the Southern Commercial Congress will pay the expenses of these delegates or that they will pay those expenses themselves?

Mr. MOSS of Indiana. Either the delegates personally or the organization nominating them.

Mr. MANN. I suppose that is so, but which is it?

Mr. MOSS of Indiana. In some instances one and in some the other.

Mr. MANN. Do I understand that the Southern Commercial Congress makes a discrimination and will pay the expenses of some, but will not pay the expenses of others?

Mr. MOSS of Indiana. Why, Mr. Speaker, the Southern Congress does not pay the expenses of any of the delegates.

Mr. MANN. I understood the gentleman to say that they did. It is understood, then, that these gentlemen go abroad at their own expense?

Mr. MOSS of Indiana. Absolutely so.

Mr. MANN. And they are expected to study the subject of rural credits and report to whom?

Mr. MOSS of Indiana. Their report, Mr. Speaker, will be to the organization appointing them.

Mr. MANN. That is not what the resolution says.

Mr. MOSS of Indiana. These gentlemen will go back to their respective communities to discuss this question and awaken public interest, thus taking the first steps toward securing practical cooperation among the farmers of the country.

Mr. MANN. This says that the commission shall report to the International Institute of Agriculture at Rome at its meeting in May.

Mr. MOSS of Indiana. The word "report" there means that they shall convene at Rome to begin their labors.

Mr. MANN. I think not.

Mr. MOSS of Indiana. That is the meaning of it.

Mr. MANN. I think that is not the meaning of it and not the intention of the resolution, in my opinion. Now, if the purpose is to send a letter to this agricultural institute at Rome, commending to the institution a lot of gentlemen who want to make a visit abroad, that is one thing; but the resolution says they are to report to the International Institute of Agriculture in May, 1913.

Mr. MOSS of Indiana. The word "report" means that they are to arrive at Rome at that time and start on their tour.

Mr. MANN. What will they do with the resolution if passed; present it to the institute and say, "Gentlemen, we are here; look at it"? To whom will they present the resolution? It is safe to say that the nations abroad are not waiting with bated breath to know whether this resolution passes; they do not know that it is in existence. Suppose it does pass, what will be done with it, as a matter of fact? Will it be presented to somebody abroad? I take it that they will not walk up to the Parliament of England and say, "Here is a resolution; give us seats in the gallery." Will they present it to the prime minister? It will be rather an unusual thing to pass a resolution to be presented to an administrative officer of a foreign government. It would be rather an unusual thing for the administrative body abroad to pay any attention to a legislative resolution passed here.

Mr. NORRIS. Mr. Speaker, I think it ought to be stated here that the question of rural credits in Europe is one that has received a great deal of consideration here. While I have no objection to this resolution, it seems to me that the gentleman from Illinois [Mr. MANN] has pointed out some of the reasons why it certainly could not be of any great consequence.

Now, there was a resolution on this subject which passed the Senate. There have been two resolutions to the same effect introduced in this House that provided for the study of the European agricultural credit system by a commission of five American citizens that should be appointed by the President; and I think the resolutions, or some of them, provided that the appointment should be confirmed by the Senate and that their expenses should be paid; and I think also these resolutions provided that a salary should be paid to them while making the study, and providing a time in which they should report to Congress the conclusions which they reached.

It seems to me that the question is one well worthy of serious and careful study. I do not have much faith in this proposed resolution. I have no objection to it, but I do not believe it will accomplish much. While nobody could object to anyone going over and studying as they please, yet if we want to get something upon which to base National or State legislation from a study of this question, it ought to be made, it seems to me, by men who are named either by Congress or by the President, and whose duty it will be to make a report; and then we ought to pay their expenses and also for their time in order that the appointing power may not be confined only to men who are sufficiently wealthy to bear their own expenses. We should not confine it only to the wealthy.

It seems to me before the final consideration of this particular resolution it ought to be known to the House that the kind of resolution that I have indicated has passed the Senate and is before the Committee on Agriculture of this House; that this committee has given several hearings on the subject, and has

heard men from different parts of the United States as well as Members of Congress on the question; that we ought not to deceive ourselves into the idea that by passing this resolution we are going to accomplish anything of particular merit. While I shall not object to it, I am perfectly willing that these men should go and study as they please, but I do not want somebody afterwards, if a resolution should be reported by the Agricultural Committee, to say that it had already been passed upon and that this was sufficient. I want investigation made of the rural credit systems of Europe. The farmers of our country have to pay too high a rate of interest when they borrow money. They have the best security in the world and ought to be able to borrow money at a much lower rate. The farmers of Europe by a system of cooperation have been able to get money as low, if not lower, than business men. I would like to send a commission of farmers to Europe to study the subject with a view of applying it here. We sent a commission over there to study banking in a commercial sense, why not let the farmers have a commission of their own number to study rural or farmers' cooperative banks?

Mr. BATHRICK. Mr. Speaker, will the gentleman yield?

Mr. NORRIS. Certainly.

Mr. BATHRICK. The gentleman concedes that the passing of this resolution, with the assistance given officially to these gentlemen who propose to go abroad and discuss and investigate this subject at their own expense, is not going to do any harm, but may result in good.

Mr. NORRIS. That may be, and I shall not object, but I do not believe that the resolution will result in much good, for the several reasons that the gentleman from Illinois [Mr. MANN] has indicated, and that I have tried to point out myself. If we desire to study this question then we ought to provide in our resolution for a method of selection of the men who shall make up the commission, and provide that they shall make a report, and then we ought to pay them for their work. We ought not to confine the investigation to men who are wealthy enough to pay their own expenses.

Mr. MANN. Mr. Speaker, in addition to what the gentleman from Nebraska [Mr. NORRIS] has said, we have a great many consular representatives abroad. We have a number of general consular representatives and we have some commercial agents abroad, any one of whom is qualified to make a study of this subject. It is not so difficult to study, so far as that is concerned, as far as the facts are concerned. It is easy to ascertain the facts concerning these rural banks abroad. The difficulty is in applying those facts to the situation in our own country. I do not see how anybody can allow this resolution to pass and then object to similar legislation that may be asked by the ladies' sewing society or some other society anywhere throughout the land that wishes to send abroad members to study some particular subject, and asks Congress to pass a resolution granting or asking diplomatic courtesies to their delegates.

Mr. BUTLER. Mr. Speaker, can not these gentlemen go abroad without legislation?

Mr. MANN. They can not only go without legislation if they have the money, but they can obtain from the Secretary of State a special letter commending them to all of the diplomatic officials of the United States abroad, and thereby obtain an introduction with commendatory words to the respective administrative officers abroad.

Mr. STEENERSON. Mr. Speaker, it seems to me that in line 7 on page 2 this resolution seeks to command the officers of foreign Governments.

Mr. MANN. It must be addressed to the administrative and executive officers abroad through the legislative branch of this country.

Mr. MOSS of Indiana. Mr. Speaker, just a word, and then we will pass the matter, whether it be objected to or not. In regard to what the gentleman from Nebraska [Mr. NORRIS] has said, there will be no objection on my part, and I believe upon the part of no one associated with these men, to the Government of the United States appointing a commission and paying them salaries and their expenses, if the Government cares to do it. There are, however, a great many consular officers, as has been said by the gentleman from Illinois [Mr. MANN], and other paid officials of the United States stationed abroad, and it seems to me this body of men has the right to be commended to their good offices as well as to similar courtesies upon the part of foreign Governments.

As regards the resolution referred to by the gentleman from Nebraska [Mr. NORRIS] there is this objection to that. The men who are behind this proposition are the pioneers who proposed this question of going abroad. It is they who have awakened public interest and have gotten to the point where there are at least 25 or 30 States willing to appoint delegates and pay

their expenses. Naturally there are gentlemen who would like to get on the pay roll of the United States Government, and take advantage of the popularity that has been created on this particular subject. They propose that a commission shall be appointed to go abroad on a junket, having their expenses paid out of the Treasury of the United States as well as their salaries. It seems to me that is a very poor reason for objecting to this voluntary commission and for this attempt to prevent these gentlemen receiving the diplomatic courtesy of European Governments and the ordinary courtesy of the Congress of the United States. Gov. Wilson has truly said that it is difficult for the common people to be heard at Washington and that a few men are ready to act as guardians for the Nation, but I doubt if the governor anticipated that an objection would be made on the floor of this House to a recognition of a voluntary commission to go abroad at private expense, under the guidance and with the fellowship of a distinguished member of the British Parliament, to study a question of supreme importance to every citizen of the Nation.

THE SOUTHERN COMMERCIAL CONGRESS,
Southern Building, Washington, D. C.

THE AMERICAN COMMISSION TO INQUIRE INTO THE ORGANIZATION OF
AGRICULTURAL BUSINESS IN EUROPE.

GENERAL INSTRUCTION TO THE COMMISSION.

The inquiry will embrace an examination of the methods employed by progressive agricultural communities in production and marketing and in the financing of both these operations.

Special note will be taken of—

First. The parts played, respectively, in the promotion of agriculture by the Governments and by voluntary organizations of the agricultural classes.

Second. The application of the cooperative system to agricultural production, distribution, and finance.

Third. The effect of cooperative action upon social conditions in rural communities.

Fourth. The relation of the cost of living to the business organization of the food-producing classes.

PRESIDENT TAFT'S ADDRESS.

He spoke as follows:

"In our workaday politics one sometimes gets just a little bit tired of the use of the term 'progressive' by gentlemen who make no progress except in its use for platform purposes, and therefore when you meet a man who has really made the progress for his people that we are all seeking he is entitled to our sincere tribute of respect.

There is not anything that the Southern Commercial Congress has done that shows the sincerity of its purpose more than this honor to Sir Horace Plunkett. He has been engaged in a country in which the accumulations of mistaken legislation had produced such a condition that it needed almost the surgeon's knife to bring about a betterment, but the history of the land legislation of Ireland is one that now, with its successful result, we ought to study for the purpose of enabling us to see whether we can not take something from that experience to help us on.

"It is true they have no constitution in England or in Ireland that is written, and Parliament is absolute, and there were a good many things done with respect to land in Ireland that we could not do here under our Constitution, and that would not have been justified, except for the evils that had grown out of parliamentary legislation and of a misstatement—or a misunderstanding certainly—of the necessities of Ireland.

ACHIEVES GREAT SUCCESS.

"Now, Sir Horace Plunkett has worked in that field, and he has made a great success; and it is certain that the Southern Commercial Congress in looking to the improvement of the South, and the improvement of the agricultural methods, and the improvement of those methods with relation to the improvement of the people engaged in agriculture, has done something that can be of great assistance to them. Now, I came here to say that, and that only.

"The subject of credits, and the necessity for improving the method of the securing of better credit to the farmers, is one that I have discussed, taking much of it on credit, because I haven't had the personal experience that justifies me in speaking with any authority. The results that we have seen in Germany and in France and in other countries—doubtless in Ireland—make me think that we would be without our usual willingness to adapt everything good that we see unless we take up this subject, study it, as you propose to study it, through your commission, and then adapt it through the States, in so far as it may be adapted to our civilization and our people.

CONFRONTED BY NECESSITY.

"We used to think that we could not learn anything about agriculture from the other side; that we were so rich and that our crops were so big that really to look over to England, where they had to cultivate down to the last foot, was to do something that indicated a retrogression rather than a progression; but now we are reaching a point where we can calculate that unless we do something in the way of improving our methods of agriculture we shall be at a point where we shall have to import what we eat, and we shall become dependent on other countries, rather than to feel the independence which has swelled our heads to a point—sometimes I think to a point of danger. We have a great deal to learn, and I doubt not that from such authority as Sir Horace Plunkett we can learn a great deal.

"The South has a great deal to learn. She is learning. She is learning rapidly in her exchange of cotton for a diversified planting.

"I only came here to express, on behalf of the whole country, the pleasure we have in the presence of a gentleman who has shown by what he has done—not by what he has said—and by what he has brought about that he is a progressive.

JANUARY 29, 1913.

HON. WOODROW WILSON.

Governor of New Jersey, Trenton, N. J.

DEAR GOV. WILSON: The Southern Commercial Congress, which initiated the proposed American commission to Europe upon agricultural credit, honored me with a dinner on Monday last, at which President

Taft attended and spoke. The President had asked me to attend the conference of governors at the White House upon the same subject on December 7, but my ship was delayed in a storm and I could not be present. As I intimated to you at the interview you were kind enough to give me on the 21st instant, I was very skeptical as to any useful purpose being served by this costly project, and I feel that I ought now to tell you of certain changes in the original plan which have completely changed my judgment upon the matter.

That the system of credit prevailing in agricultural communities in this country is not all that it should be may be admitted, but it is equally certain that the entire business organization of the American farmers is in a deplorably backward condition. It may be generally stated that agriculture is the only important business occupation in this country which is unorganized, and until some progress has been made in applying what is now coming to be recognized as the obvious remedy—the introduction of cooperation—it is little use discussing the best kinds of credit system to meet the farmers' needs. In any case, the literature upon the subject is good and exhaustive. A few economists and financiers familiar with agricultural conditions could derive from this source far more light upon the American problem than is likely to be shed by the collective wisdom of the traveling commission.

I found that the leaders in the movement were altogether inclined to agree with this view. Before the dinner they agreed to change the scope of the proposed inquiry, and I send you herewith a copy of the instructions which will be given to the commission. At the dinner this document was adopted, and President Taft indorsed it.

My purpose in troubling you with this matter at such an extremely inconvenient time is that your Presidency will be seven weeks old before the commission starts for Europe on April 26. I think you will agree that if the issues which are now raised in the inclosed document are really well discussed by the commission a profound effect may be produced upon public opinion in regard to the place of agriculture in your national economy. In any case, I am certain that the mere raising of these issues in so public a manner will stir thought throughout the Union, which will have its influence upon legislation and administration affecting the production and distribution of the Nation's food. If you could see your way to write either to Senator FLETCHER, president of the Southern Commercial Congress, or to me, or both, a letter expressing your own personal approval of the enlarged inquiry, it would, I am sure, be extremely helpful to those who are anxious that some real benefits should accrue from all the labor which will be involved. I only mention myself in this connection because it might enable me to be more useful to the commission in Europe if I had this official recognition to strengthen my hand.

Believe me to be,

Very respectfully, yours,
P. S.—Address, 36 West Tenth Street, New York City.

HORACE PLUNKETT.

Resolutions adopted by national organizations indorsing the American commission that is being assembled by the Southern Commercial Congress.

AMERICAN ASSOCIATION OF COMMERCIAL EXECUTIVES.

Whereas the Department of State of the United States detailed, upon the application of the Southern Commercial Congress, David Lubin, American delegate to the International Institute of Agriculture, Rome, Italy, to direct a conference on agricultural finance, held under the auspices of the Southern Commercial Congress in Nashville, Tenn., April 1 to 6; and

Whereas 27 States were represented through delegates in the conference; and

Whereas resolutions were unanimously adopted providing for an American commission to go abroad for the investigation of rural credits in Europe; and

Whereas the Southern Commercial Congress will send the commission abroad, composed of delegates from all States of the United States, to report to the International Institute of Agriculture (which under treaty is supported by the Government of the United States) at the time of the meeting of the general assembly of the International Institute of Agriculture, May, 1913: Therefore be it

Resolved, That the American Association of Commercial Executives, in recognition of the valuable service to be rendered the United States in the investigation of the European systems of agricultural finance, hereby indorses the proposed American commission.

FARMERS' NATIONAL CONGRESS.

Resolved, That the Farmers' National Congress favors an investigation of agricultural banking and credit in vogue in Europe, and indorses the movement to send a national investigating commission abroad to study and report upon the rural credit system in effect in continental European countries.

NATIONAL GRANGE.

Whereas the Department of State of the United States detailed, upon the application of the Southern Commercial Congress, David Lubin, American delegate to the International Institute of Agriculture, Rome, Italy, to direct a conference on agricultural finance held under the auspices of the Southern Commercial Congress in Nashville, Tenn., April 1 to 6; and

Whereas resolutions were unanimously adopted providing for an American commission to go abroad for the investigation of rural credits in Europe; and

Whereas the Southern Commercial Congress will send the commission abroad, composed of two delegates from each State of the United States, to report to the International Institute of Agriculture, which under treaty is supported by the Government of the United States, at the time of the meeting of the general assembly of the International Institute of Agriculture, May, 1913: Therefore be it

Resolved by the National Grange in convention assembled at Spokane, Wash., That in recognition of the valuable service to be rendered the United States in the investigation of the European systems of agricultural finance they hereby indorse the proposed American commission.

Resolved, That we, the members of the National Grange in annual session in the city of Spokane, Wash., in this our forty-sixth annual session, do urge that the legislature of each State in the United States appropriate \$2,400 to defray the expenses of two delegates, who, in company with the delegates from the other States, shall make a study of the various financial systems of the world and evolve a plan that shall meet our financial needs.

CHAMBER OF COMMERCE OF THE UNITED STATES.

(Resolution will be forwarded later.)

FARMERS' EDUCATIONAL AND COOPERATIVE UNION OF AMERICA.

(Resolution will be forwarded later.)

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I dislike to object to anything that the gentleman from Indiana [Mr. Moss] so urgently presses, because I have come to have great confidence in his judgment; but still on this occasion I feel the resolution is improper, and therefore I object.

The SPEAKER. The gentleman from Illinois objects, and the bill will be stricken from the calendar.

REFUND OF CORPORATION TAX.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 27323) to provide for refund or abatement under certain conditions of penalty taxes imposed by section 38 of the act of August 5, 1909, known as the special excise corporation-tax law.

The Clerk read the bill, as follows:

Be it enacted, etc., That any corporation, joint-stock company, association, or any insurance company subject to the special excise tax provided by section 38 of the act of August 5, 1909, known as the special excise corporation-tax law, which has been or may be compelled to pay or become liable for any additional tax within the provisions of subsection 5 of said section 38, which additional tax has been or may hereafter be imposed for a neglect to file a return as provided in said corporation-tax law on or before the 1st of March of any year, may, within one year after the passage of this act, or within one year after the date of notice of assessment where such notice is given after the passage of this act, make application to the Commissioner of Internal Revenue for a refund of such additional tax. And the Commissioner of Internal Revenue, with the advice and consent of the Solicitor of Internal Revenue, is hereby directed to remit, abate, or pay back all such additional taxes in excess of \$100 for any single year whenever in any case it appears to his satisfaction that the additional tax was assessed or imposed solely because of a neglect to make a return at the time or times specified in said act, and without any intention or design on the part of any officer of such corporation, joint-stock company, association, or insurance company to hinder or delay the United States in the collection of the tax originally assessed.

The SPEAKER. Is there objection?

Mr. SHERLEY. Mr. Speaker, reserving the right to object, I would like to have an explanation in regard to this bill. Is this bill retroactive at all?

Mr. BRANTLEY. To some extent.

Mr. SHERLEY. To what extent?

Mr. BRANTLEY. Mr. Speaker, I would like to state to the gentleman from Kentucky—and then I will yield to the gentleman from Maine [Mr. McGILLICUDDY], the author of the bill, to answer any specific questions in reference to it—that this bill is designed to grant some relief from one of the very drastic penalties of the present corporation-tax law. It has the very cordial support of the Treasury Department, and has been unanimously reported by the Committee on Ways and Means after full hearing and investigation. It is a thoroughly meritorious measure. I will now yield to the gentleman from Maine [Mr. McGILLICUDDY] to answer the specific questions of the gentleman from Kentucky.

Mr. McGILLICUDDY. Mr. Speaker, under the provision of the act of August 5, 1909, as the House knows, a tax of 1 per cent on net incomes not exceeding \$5,000 is assessed and collected. Now, under section 3 of that act it is provided that the return containing the information upon which the tax is assessed shall be made on or before the 1st day of March in every year. In section 5 it is provided that in cases of fraudulent intent, or of failure to file the return because of fraud, then an additional tax of 100 per cent of the original tax is assessed, and in case of mere neglect to file the return an additional tax of 50 per cent is assessed. And in addition to that, under section 8 of the act, it is provided wherever a refusal or neglect to file the return exists there shall be a fine of from \$1,000 to \$10,000. Now, the proposed bill does not alter or change the law in any respect affecting anybody except those persons who, through some inadvertence and without any intention whatever of evading or delaying the collection of the tax, have failed to file their return on the 1st day of March in each year.

Mr. BARTLETT. May I interrupt the gentleman?

Mr. McGILLICUDDY. Certainly.

Mr. BARTLETT. Then it is also the fact that people who are not liable to pay the tax by reason of not having the amount of income provided for are also penalized for failure to make the return.

Mr. McGILLICUDDY. Precisely; that occurred in my State where a corporation did not earn anything in the way of net income, and as provided by the act they were subject not only to this original penalty but to the fine of section 8 in addition.

Now, as has been stated by the gentleman from Georgia, who reported the bill, this bill when it was introduced was referred to the Committee on Ways and Means and by the chairman of that committee was referred to the Secretary of the Treasury

for his suggestion, and I will read what he says in regard to it. This is under date December 20 last:

I am of opinion that the proposed bill, providing as it does for refund or abatement of all taxes or assessments over and above \$100 in any individual case, accomplishes the desired purpose admirably by providing a punishment which, taken in connection with paragraph 9 of section 38 of the tariff act of August 5, 1909, will prove amply sufficient to insure the proper compliance with the provisions of this law and at the same time prevent the infliction of drastic punishment for simple neglect. The language of the proposed bill seems to be free from criticism, and I unqualifiedly recommend that the proposed measure be enacted into law.

Respectfully,

FRANKLIN MACVEAGH, *Secretary.*

Mr. SHERLEY. If the gentleman pleases, I have read what the Secretary says, but I am not quite sure whether he is accurate, and he does not give me the information I desire. I would like to ask the gentleman how much refund there will be if this becomes the law?

Mr. MCGILLICUDDY. As near as can be ascertained, about \$225,000.

Mr. SHERLEY. I would like to ask the gentleman, secondly, whether he considers the language of the act as presented here limits the refund of assessments under section 5 or whether it does not permit at least a plausible contention for a refund for any other penalties under any other section of the excise act?

Mr. MCGILLICUDDY. I think not.

Mr. SHERLEY. I would like for the gentleman to look at it with that in mind, because I am not at all sure.

Mr. MCGILLICUDDY. Well, this bill does not cover anything except the failure to make returns through mere neglect, and when it appears there was no intent or design to delay or in any way hinder the collection of the tax.

Mr. SHERLEY. That is just the question. The gentleman sees that. I call his attention to the fact that on page 1 of the bill it speaks there of the payment under subsection 5.

Mr. MCGILLICUDDY. From what line are you reading?

Mr. SHERLEY. Lines 8 and 9. There it refers to subsection 5 of the excise act, but when it comes to the refund with reference to any additional penalty, it is not any additional penalty because of the provisions of section 5. It seems to be very much broader than the Secretary's letter would indicate, or the gentleman's statement would indicate.

Mr. MCGILLICUDDY. I think the bill was drawn very carefully with that in view, and it all refers back to subsection 5 of section 38.

Mr. SHERLEY. Let us see, if the gentleman will permit. It says:

And the Commissioner of Internal Revenue, with the advice and consent of the Solicitor of Internal Revenue, is hereby directed to remit, abate, or pay back all such additional taxes in excess of \$100 for any single year.

Now, that does not seem to limit it to the excess taxes that were collected under the excise part of the act.

Mr. MCGILLICUDDY. It limits it.

Mr. SHERLEY. Does it necessarily? I think, in a matter of this kind, it ought not to be a matter of inference or doubt or construction to be put on the word "such." The gentleman's contention may be the right one, but—

Mr. MCGILLICUDDY. But the only tax referred to, if you will permit, is the tax referred to in line 8, and that specifically refers to subsection 5, where it says, "Any such additional tax." It can not possibly refer to any other. There is no other tax to which it can refer.

The SPEAKER. Is there objection?

Mr. SHERLEY. Mr. Speaker, reserving the right to object, this is a matter of considerable importance. It is rather an unusual bill to pass by unanimous consent at best, and I want to feel sure that it does not accomplish anything beyond what the gentleman states.

Mr. MCGILLICUDDY. I am in hearty sympathy with what the gentleman has to say. If he can make the bill any better than it is, I shall be very glad to have it done.

Mr. MANN. Will the gentleman yield?

Mr. MCGILLICUDDY. Yes.

Mr. MANN. The only thing that can be paid back in any event is the additional tax?

Mr. MCGILLICUDDY. And not all of that.

Mr. MANN. I understand. The additional taxes are the penalty for not making the return.

Mr. MCGILLICUDDY. It is not called a penalty. It is called "an additional tax."

Mr. MANN. I am calling it a "penalty." That is what it is.

Mr. MCGILLICUDDY. It is in effect; yes.

Mr. SHERLEY. I understand you are not going to pay back in any event anything but what you designate as a "penalty," but you ought not to pay back the penalty except in a very limited number of cases, where the failures to make the returns are excusable.

Mr. MCGILLICUDDY. There is no provision to pay back any penalty.

Mr. SHERLEY. We are using the words "additional tax" and "penalty" in the same sense.

Mr. MCGILLICUDDY. It is hardly in the same sense in the original act. One is an additional tax assessed under section 5 and another is a penalty collected under section 8.

Mr. SHERLEY. I understand; but there are several additional taxes, as I recall, under the various sections. There are three or four sections that call them "additional payments." Have you the excise law there?

Mr. MCGILLICUDDY. Yes; I have the law.

Mr. SHERLEY. If the gentleman will read the provisions that are set forth—

Mr. MCGILLICUDDY. Section 5 is the only provision involved. It says:

All returns shall be retained by the Commissioner of Internal Revenue, who shall make assessments thereon; and in case of any return made with false or fraudulent intent, he shall add 100 per cent of such tax; and in case of refusal or neglect to make a return or verify the same as aforesaid, he shall add 50 per cent of such taxes.

That is all this bill refers to. Now, under section 8, if the gentleman will follow it, there are penalties both for the intentional failure to file the return and for the refusal or neglect. That is the penalty. And in the next clause there is a further penalty of imprisonment in certain cases, with which this bill has nothing whatever to do. I am sure, if the gentleman will examine the bill, he will find it accomplishes all he has in mind.

Mr. SHERLEY. I am trying to do that, but from the way in which the gentleman brings up this bill I have to examine it on my feet or my remedy passes by. Now, as I understand, a penalty, where they simply neglect to make the return, is imposed to the extent of 50 per cent. That is an arbitrary amount.

Mr. MCGILLICUDDY. Yes.

Mr. SHERLEY. And where there has been a real intent to defraud it is 100 per cent.

Mr. MCGILLICUDDY. That is correct.

Mr. SHERLEY. If that be so, and you want to refund only those taxes which come about through neglect why use the language "when it appears to his satisfaction that the additional tax was assessed or imposed solely because of neglect"? There can be no discretion there. The amount of the tax will show whether it was done through neglect or through intent to defraud. Why not have the law limited to a refund in those cases where the additional tax was 50 per cent and exclude those cases where it was 100 per cent? Do you not here open up all of them?

Mr. MCGILLICUDDY. You accomplish the same purpose in different language.

Mr. SHERLEY. Oh, here under the original law you let the very size of the tax determine the character of the fault, whereas in this bill you leave it to the discretion of the officials to determine in all cases under section 5 whether or not it was because of the one reason or the other.

Mr. MCGILLICUDDY. Not all cases, but simply in cases of neglect, where there was no intent to defraud.

Mr. SHERLEY. I understand; but you leave it to the discretion of the official to determine what was the reason, whereas the size of the tax determines it better than his discretion.

Mr. MCGILLICUDDY. I do not see how that can be.

Mr. SHERLEY. For instance, here are two men who have a certain tax return to make, of the same amount. One of them has an additional tax levied of \$1,000, which is 100 per cent. The other has an additional tax levied of \$500, because in his case the failure was due simply to neglect, whereas in the first man's case the failure was due to a desire to defraud. Now, you are not limiting the recovery to the case of one, but leaving it to the discretion of the official, where he may think the other fellow did it through neglect and order a remission of the tax. Now you have a certain rule. Why make it uncertain, in the discretion of the official?

Mr. BRANTLEY. Mr. Chairman, let me call the attention of the gentleman to the language of the bill, which permits the right to make application for a refund only in those cases where the 50 per cent additional tax is imposed for failure or neglect to file the returns.

Mr. SHERLEY. Where is the language to warrant that statement?

Mr. BRANTLEY. In lines 5 and 6 of page 2. He may "make application to the Commissioner of Internal Revenue for a refund of such additional tax," which additional tax is referred to on the first page as the tax imposed under subsection 5 of section 38 for a neglect to file a return, and the whole bill deals only with the tax imposed for a neglect to make the return. Then, of course, when it comes before the Treasury Department on the application for a refund, the Treasury De-

partment must have the right to inquire as to whether this is a mere case of neglect or not, and if they find it is—

Mr. SHERLEY. Why?

Mr. BRANTLEY. Because somebody must enforce the law.

Mr. SHERLEY. Ah, but that is just the point. The very provisions of the law separate the classes of cases, and there is no discretion given. There is an arbitrary additional tax of 50 per cent imposed when there is neglect only. Now, if that is the only case you are trying to reach, why not require, when the additional tax of 50 per cent has been added through neglect, that such tax shall be refunded?

Mr. BRANTLEY. I will say to the gentleman from Kentucky that this is precisely what this bill does.

Mr. SHERLEY. That is the gentleman's conclusion.

Mr. BRANTLEY. The honorable Secretary of the Treasury, who has carefully examined the bill, says the bill is admirably drawn.

Mr. SHERLEY. Oh, the gentleman has been in Congress longer than I have been, and he knows how much credit to give to the recommendation of a Secretary in a matter that perhaps has never met his personal eye.

Mr. BRANTLEY. I want to say to the gentleman that the Commissioner of Internal Revenue—

Mr. SHERLEY. I would rather have the gentleman's opinion than that of either of those officials.

Mr. BRANTLEY. Let me suggest to the gentleman from Kentucky that perhaps he does not understand the application of the law in question. The Commissioner of Internal Revenue informs us that in the operation or enforcement of the present incorporation tax law he has had numerous complaints made, or applications made, for a refund of this 50 per cent additional tax upon the ground that the failure to file the returns promptly on March 1 was mere inadvertence or neglect, and therefore that the applicants ought not to be required to pay a penalty; that he found on construing the law that this 50 per cent is not imposed as a penalty, but that it is a tax—so the language of the law is—and no matter how well satisfied he might be that a clerk or agent has neglected to obey the order of the president of the corporation to file the tax returns, with no thought or purpose of evading the payment of the tax, that the additional amount must be exacted. In one case it was shown that the return was made out, and then a clerk put it in his desk and forgot to take it out.

Numerous cases of that kind have occurred; and yet no relief could be granted, because under the construction given the law the tax is mandatory.

Mr. SHERLEY. I have no issue with the gentleman as to the desirability of refunding in cases of that sort, but I have a very strong desire that the act shall be limited to just that kind of cases. The gentleman assures me that that is the fact, but I am not completely satisfied from the cursory reading of the bill, which I have had to give it on my feet, and I suggest to the gentleman, inasmuch as there is a classification made by the law itself, why leave it to a matter of construction? Why not simply in three or four lines provide that power is given for a refund of additional taxes of 50 per cent that were levied because of the failure on account of neglect? Then you exclude the other.

Mr. BRANTLEY. Mr. Speaker, I think if the gentleman will study the language of the bill carefully he will see that that is what it does.

Mr. SHERLEY. That may be, but we ought not to have any doubt about it.

Mr. BRANTLEY. If you limit it simply to cases where the tax is imposed in case of mere neglect, necessarily some officer has to say, when you make application for the refund, that that failure to make the return was a mere case of neglect.

Mr. SHERLEY. But there is a difference in the way the officer acts. In one case he is limited to the fact that the additional tax is 50 per cent. According to your bill he is limited in his discretion.

Mr. BRANTLEY. I do not think there is a member of the Committee on Ways and Means who does not sympathize with the purpose and wishes of the gentleman from Kentucky. I want to say to him that this bill was really very carefully considered by the committee. We did not stop with the letter from the Secretary of the Treasury. We invited a hearing; we had an oral hearing, and nearly every word of the language of this bill was criticized in the committee, and we reached the conclusion that it accomplished the identical result that the gentleman from Kentucky desires to accomplish.

Mr. SHERLEY. I have a very high opinion of the accuracy of the gentleman and his ability as a lawyer, and I shall not press my point to the extent of objecting to the consideration of the bill, but I have called the attention of the House to what seems to me to be a doubtful construction.

Mr. SLAYDEN. Has the gentleman in his mind the words that he thinks are essential to correct the bill?

Mr. SHERLEY. I think in three or four minutes I could draw the necessary amendment, but the gentleman is asking at my hands a rather unfair thing. I have been engaged in a running debate, and it is hard for me immediately to offer the language.

Mr. SLAYDEN. I hope the gentleman will disabuse his mind of the idea that I wanted to ask an unfair question.

Mr. SHERLEY. No; but what the gentleman asks is rather a severe test.

Mr. SLAYDEN. The particular case in which the gentleman from Kentucky said no one would object to the refund is a case that arose in my town. The clerk made the report and dropped it into his desk. The authorities of the corporation thought that it had been filed. They paid their tax 30 days before it matured, in fact.

Mr. SHERLEY. I indicated that I thought the law, in providing a refund where the additional tax of 50 per cent had been assessed, would be completely narrowed to cases such as the gentleman has stated.

Mr. SLAYDEN. The gentleman from Maine [Mr. McGILLICUDDY] is willing to do anything which is necessary in order to make the bill clear.

Mr. McGILLICUDDY. I am entirely willing to do anything that will make the bill as clear as possible to accomplish the purpose that we all agree upon. I think it does accomplish it as it now reads.

Mr. SHERLEY. I can not attempt on my feet to amend the bill. If I was going to amend it, I would strike it all out and rewrite it in about six lines.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. BRANTLEY. Mr. Speaker, I ask unanimous consent to have this bill considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Georgia asks unanimous consent to have this bill considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill for amendments.

The Clerk read the bill at length.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. BRANTLEY, a motion to reconsider the vote whereby the bill was passed was laid on the table.

PHILIPPINE HEMP INDUSTRY.

The next business on the Calendar for Unanimous Consent was House resolution 767, requesting from the President of the United States information concerning the exemption of American importers of manila hemp from payment of the export tax thereon.

The Clerk read the resolution with the committee amendments.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I would like to ask the gentleman from Georgia whether the Ways and Means Committee reporting this resolution asking for the information of the President in regard to a tariff matter in regard to the effect on an industry growing out of the tariff, intends to get the advice of the present President or the next President; whether the present Ways and Means Committee desires the advice of President Taft about the effect of a tariff on an industry, or whether it is simply laying the foundation by the passage of this resolution to have the President elect when inaugurated make a report to the Committee on Ways and Means of the House on this subject?

Mr. BRANTLEY. Mr. Speaker, if my friend from Illinois will permit me to tell him why the resolution was reported I think that will answer his inquiry. It appears that the resolution, which is in courteous form, seeks certain information that it is very desirable to have. It is represented that the present tariff law imposes an export tax at Manila on all hemp exported from Manila, but provides that where such hemp is exported to the United States and is used and consumed in the United States there shall be a refund of a large proportion of this export tax.

Now, it is claimed that the effect of all this is that the manila hemp grower, being unable to know whether his hemp is going to be used and consumed in the United States, has to sell his hemp with the export tax on it, which tax he has to pay, and then that the importer in the United States gets the rebate. It is charged that this results in quite a concession to certain im-

porters in the United States at the expense of the hemp growers in the Philippines.

The purpose of this resolution is to get at the facts, and it seems there is no place to get them except from the executive department of the Government. The information sought might be of material advantage, if furnished by the present Chief Executive, to the Ways and Means Committee in framing the hemp and flax schedule of the tariff.

Mr. MANN. There is now practically free trade between the Philippine Islands and the United States with reference to hemp.

Mr. BRANTLEY. On the exported hemp the grower pays the export tax.

Mr. MANN. I say there is practically free trade between the United States and Manila in hemp. Now, the gentleman proposes to pass a resolution and, not content with asking for the facts, he asks the President's advice to the House whether this free trade has operated unjustly, and also to what extent it has depressed the hemp industry. That is not a question of fact; it is a question of opinion, and a political opinion.

Mr. BRANTLEY. Let me ask the gentleman from Illinois, if it be a fact that the present method of granting the rebate on these export taxes does not result in an injustice to the Manila and the Philippine hemp grower, does he not think that the present President of the United States ought to have the privilege of saying that it does not?

Mr. MANN. I do not think the present President of the United States desires any further opportunity to advise the Democratic House what it shall do on the tariff question, because the President is quite certain that if he gives you good advice you will sneer at him, and if he gives you bad advice you will take advantage of it.

Mr. BRANTLEY. But this is for the Filipinos.

Mr. MANN. It is a matter within the control of the Ways and Means Committee and a matter for Congress to legislate upon. If the gentleman desires the opinion of President Taft on the tariff, I will be glad to join with him in asking the President to give his opinion on free trade and protection as a tariff policy.

Mr. BARTLETT. Mr. Speaker, will the gentleman yield?

Mr. BRANTLEY. I yield.

Mr. BARTLETT. Mr. Speaker, I desire to suggest to my colleague, so far as the advice of the President is concerned, he has never yet given the Democratic House any good advice on the subject of tariff.

Mr. MANN. The trouble is that the Democrats have not followed his good advice, though they will wish some day that they had.

Mr. BARTLETT. I think he rather wishes now that he had not given it.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects, and the bill will be stricken from the calendar.

PAY OF OFFICERS IN THE NAVY.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 25715) providing that officers of the Navy be allowed pay from the dates they take rank.

The Clerk read the bill, as follows:

Be it enacted, etc., That all officers of the Navy who, since the 3d day of March, 1899, have been advanced or may hereafter be advanced in grade or rank pursuant to law shall be allowed the pay and allowances of the higher grade or rank from the dates stated in their commissions.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, as I understand this simply proposes to grant back pay to officers of the Navy who were not confirmed for some time after they were nominated, according to the additional grade they received, from the time they were nominated up to the time of confirmation.

Mr. HOBSON. The gentleman is correct.

Mr. MANN. How much is involved?

Mr. HOBSON. It involves in the neighborhood of \$20,000, according to the estimate of the Paymaster General.

Mr. MANN. Are not these officers of the Navy who receive their promotions quite satisfied at the time they receive them, without coming in and asking Congress to pay back pay for 12 or 13 years back?

Mr. HOBSON. Mr. Speaker, of course the gentleman realizes that an officer is always glad to have a promotion. There is a term they call that kind of a promotion—a jackass promotion—one which does not give the officer any pay with his advancement. They like to have even jackass promotions. But I will say to the gentleman that this is simply a matter of

justice. Those officers when promoted perform the duties of the higher grade, and the intention of the law originally was to give them pay from the date of their commission; and, in fact, the law ran from 1874 until 1899 with that interpretation. This is simply to overcome a construction given to it by a particular Comptroller of the Treasury.

Mr. MANN. Mr. Speaker, I have great admiration for the officers of the Army and Navy at all times. It is unfortunate, perhaps, for the Government that in time of peace many of them are not very busy and some of them lie awake nights or spend some time of the day finding out new methods of trying to increase pay. They were the ones who wanted the personnel bill of 1899 passed. They were the ones who urged Congress to pass the bill which gives them promotions more than they would have had before.

Mr. HOBSON. Mr. Speaker, this has nothing to do with the personnel bill of 1899. This has nothing to do with officers who have been promoted by law—that is, special promotions. This is simply in the ordinary routine of business. Sometimes the Senate is in session and sometimes it is not. Nearly all of the officers of the Navy get their pay from the date of their commission, but it happens that a certain comptroller ruled that in the process of promotions of certain young officers the law did not permit them to be paid from the date of their commissions, but that their pay should not begin till the date of confirmation by the Senate, which is an uncertain matter. It is only these few exceptional cases that this bill deals with.

Mr. MANN. What is the date of the commission?

Mr. HOBSON. It varies, of course. It is the date when they are advanced.

Mr. MANN. What is the date of the commission as related to nomination and confirmation?

Mr. HOBSON. In some cases the date is established by law. Take ensigns, for instance, to which this bill applies. Ensigns' commissions are dated now from the 1st day of July of the year of graduation from Annapolis. Formerly they were dated two years from that time. The pay of an assistant civil engineer will run from the time that the President issues the commission, irrespective of any other antecedents. It dates from the day the President signs it. That is not fixed by law. He begins his duties on that day. The Senate may confirm it immediately or the Senate may not be in session, and it may be a long time before it is confirmed, but the officer will be subject to orders and will perform the duties of the office from the date of his commission. In all other cases except these pay begins with the date of commission when they begin the duties of their office, and not later, when the Senate confirms them.

Mr. MANN. The gentleman has not answered my question, which I asked for information. Where the President nominates an officer for promotion and that nomination is not confirmed for some time, what date does the commission bear?

Mr. HOBSON. It bears the date of the vacancy in some cases, as pointed out above, and in all cases the date of the issuance of the commission by the President. The commission bears the date when the duties begin even though the President may be a few days late in issuing it. His practice is to have the date that of the date of the existence of the vacancy to which the promotion is made.

Mr. MANN. Regardless of when the nomination is confirmed?

Mr. HOBSON. Regardless of the confirmation, and this only asks that those officers who have come under this exception shall be treated as all other officers and get their pay from the day on which they are promoted.

Mr. MANN. It is a case of a man having received a basket full of good things and kicks because he loses one cherry and thinks he ought to have it.

Mr. HOBSON. The gentleman in some cases may be correct, but in this specific case he is not, and I will give an illustration: There is a difference, say, between Members here who are continued from one Congress to the next and those who come in fresh. Suppose that Congress, not assembling until December, the Sergeant at Arms should determine that those who pass from the old Congress to the new should receive their pay from the 4th of March, and those who came in new should not receive their pay until they were finally sworn in. It is exactly analogous to this.

Mr. MANN. Why, no; I will give the gentleman the analogy. Suppose the Members who were elected last fall, who are not new Members of Congress, should say their commissions should date practically from the day of election and they should be paid from that date, not from the date that they were sworn in. That is the analogy.

Mr. HOBSON. The gentleman is very much mistaken.

Mr. MANN. That is the exact analogy.

Mr. HOBSON. The gentleman is very much mistaken. The pay of the older Members only begins the 4th of March. Now, all they ask is that the new Members shall begin at the same time when the new Members assume the responsibility and duties of the office on the 4th of March. All of these officers who fall under this exception did assume the duties of their office, and they ought to begin to receive their pay from such date of commission. It is analogous to the 4th of March for a new Member. The gentleman's ideas might apply to other cases, but they do not apply to this specific case.

Mr. NORRIS. Will the gentleman yield?

Mr. HOBSON. Certainly.

Mr. NORRIS. I want to ask the gentleman for information, suppose the Senate for any particular cause does not confirm?

Mr. HOBSON. The officer is not promoted, and if his place is taken by another in the lower rank and he is not confirmed in the higher grade, then he would be dropped from the Navy.

Mr. NORRIS. No; I mean before the promotion he is drawing a certain salary, and then the President appoints him to a particular place—

Mr. MANN. He is not expelled from the Navy, because if they did there would be a great many out of the Navy.

Mr. NORRIS. Now, suppose he is not confirmed by the Senate. If this bill were passed, would he be drawing another salary in the meantime?

Mr. HOBSON. He would be drawing the salary from the date of his commission when he assumed the duties. Now, then, when he went up to that place his place would be taken in the lower grade by another officer, and when the appointment of the lower grade is confirmed by the Senate and the officer moving to the higher grade is not confirmed by the Senate when the time comes for that officer to be passed up, and he has never been confirmed by the Senate, he will be practically without any position. He could not go back to the lower grade.

Mr. NORRIS. The gentleman has not quite taken the illustration I want to make. I am not speaking of the man who comes up and takes his place, but what I want to know is, would he draw the salary for the promotion that he eventually would not get, as a matter of fact, in case the Senate failed to confirm him?

Mr. HOBSON. I do not think a case like that ever came up.

Mr. MANN. They would have to go over that as a matter of bookkeeping.

Mr. NORRIS. I presume it is liable to occur now, as there are a great many confirmations that are liable to fail in the Senate. What I want to know is, when the President promotes a man would he then be entitled to pay, if this bill passes, from the date the President promoted him?

Mr. HOBSON. Yes, if finally confirmed; all the others do now, and those carried by this bill would also.

Mr. NORRIS. Suppose that promotion was not confirmed. It might be a year even before the Senate acted, or several months. In the meantime he has been drawing the salary.

Mr. HOBSON. I think the gentleman will find that if the Senate votes adversely on a nomination for promotion the officer goes back to his original grade, provided his position in the lower grade has not been filled by nomination and confirmation.

And then, if the Senate continued to decline to confirm, it would simply legislate the officer from the Navy.

Mr. NORRIS. It would not legislate him out of the Navy. He would still have his old position, would he not?

Mr. HOBSON. Well, if his position in the lower grade had been filled by another, there would not be any position for him.

Mr. MANN. What becomes of him?

Mr. HOBSON. The comptroller would then decline to pay his salary. I do not believe that has ever occurred. The President could wait for confirmation before sending in a nomination to fill the lower grade.

Mr. MANN. Suppose a man gets a recess appointment during the long vacation of Congress and his nomination is not confirmed. He may be nominated, say, to one of the admirals' positions. That is a matter of grace and not of rank. Does the gentleman mean to say that he does not draw pay of the lower rank?

Mr. HOBSON. He draws pay of the higher rank under existing law until the Senate acts. If it acts adversely, then the pay of the higher grade ceases forthwith.

Mr. MANN. If the nomination is not confirmed, he goes back, of course. There are a large number of nominations, as we know from the CONGRESSIONAL RECORD, pending confirmation in the Senate now. In my talk with people in Washington and meeting naval officers, I have heard considerable anxiety expressed as to whether they be confirmed, but I have not heard anybody stand on the question of whether he would receive the

salary of the old rank or the new rank for the course of a few weeks' time. They are all willing to take the confirmation and the commission and pay from the date of the confirmation.

Mr. HOBSON. The gentleman refers to the cases in the Senate, and I am glad he cites those because they are in point. The officers he meets and those now before the Senate need have no anxiety as to the pay. That is provided for by law. The law of 1874 reads as follows:

That on and after the passage of this act any officer of the Navy who may be promoted in course to fill the vacancy in the next higher grade shall be entitled to the pay of the grade to which promoted from the date he takes rank therein, if it be subsequent to the vacancy he is appointed to fill.

And the date he takes rank therein is the date of his commission. The President can issue a temporary commission—a gunboat commission—pending action by the Senate, but, of course, the President can not actually issue or hand the final commission to the officer until the Senate has confirmed him. But when the Senate does confirm the date of the commission is made the date of the vacancy, and the pay of the officer in the higher grade begins under the law at the date specified in the commission. If confirmation were never made, the pay of the higher grade would still be legal till the date of the Senate's refusal. All that is asked in this bill is that the law be made uniform, that these exceptions that have been made contrary to the intent of the law be removed, and these officers, in the name of right and justice, be included under the law. They have done the work of the advanced position. It is the practice of our Government, and of all Governments, that officers promoted should receive the pay of the higher grade from the date of promotion, the date of their commission, the date when they actually begin to do the duties of the higher grade.

Mr. MANN. The gentleman is an authority on this subject, and I would like to propound a conundrum to him. Suppose one of these Army or Navy officers now under nomination and not yet confirmed in the Senate becomes of a retiring age before the confirmation is made, is the man retired at the higher rank or the lower rank?

Mr. HOBSON. I believe that the gentleman from Illinois knows perfectly well that he never finally attains the higher rank until confirmed by the Senate, and that the law for retirement is mandatory, and that he would retire on attaining the age limit of the law, and consequently, if not confirmed by the Senate before that age, would never receive the pay or the rank of the higher grade.

Mr. MANN. The gentleman is very positive, perhaps, that he is right; but it is a matter that is not settled in the Army and Navy circles yet, because they have such cases now, and they are very much exercised over them.

Mr. HOBSON. May I ask the gentleman if it has been his intention all the time to object to the consideration of this bill?

Mr. MANN. It has been my intention, unless the gentleman could remove the objection I had to it.

Mr. HOBSON. If the gentleman really has an objection, I will try to remove it.

Mr. MANN. I had thought I had indicated the objection I had. The gentleman and I do not seem to agree upon the proposition.

The SPEAKER. Is there objection?

Mr. MANN. I will have to object, Mr. Speaker.

AERODYNAMICAL LABORATORY.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 27992) to authorize the creation of a temporary commission to investigate and make recommendation as to the necessity or desirability of establishing a national aerodynamical laboratory, and prescribing the duties of said commission, and providing for the expenses thereof.

The Clerk read the bill, as follows:

Be it enacted, etc., That the action of the President in creating a temporary commission, consisting of Dr. R. S. Woodward, president Carnegie Institute of Washington, chairman; Charles D. Walcott, Smithsonian Institution, secretary; Dr. S. W. Stratton, Director United States Bureau of Standards; Prof. William J. Humphreys, consulting physicist, United States Weather Bureau; Brig. Gen. James Allen, United States Army, Chief Signal Officer; Maj. Samuel Reber, chief signal officer, eastern district; Capt. W. I. Chambers, United States Navy, in charge of aviation, United States Navy; Naval Constructor David W. Taylor, United States Navy; M. B. Sellers, technical committee, Aeronautical Society of New York; Henry A. Wise Wood, scientific engineer, vice president Aero Club of America; Blon J. Arnold, scientific engineer, Aero Club of Chicago; Prof. W. F. Durand, scientific engineer, Leland Stanford University; Prof. Richard Maclaurin, president Massachusetts Institute of Technology; Charles M. Manley; Harold H. Sewall; Herbert Parsons; Col. Frederick H. Smith; Hon. Frank West Rollins; and Dr. A. F. Zahm, secretary Aero Club of Washington, to consider and to make recommendation at the earliest practicable date on the necessity or desirability of establishing a national aerodynamical laboratory be, and the same is hereby, confirmed; said commission shall be composed of not to exceed 19 members. It shall have a stenographer and such other assistants as said commission may authorize.

The members shall each be paid their actual expenses in going to and returning from Washington when necessary to attend meetings, and actual expenses while attending the same.

Said commission shall diligently inquire into the desirability or necessity of establishing a national aerodynamical laboratory, and shall at the earliest practicable date report to Congress its recommendations, together with such facts as it may have ascertained.

Sec. 2. That to meet the expenses made necessary by this act the sum of \$5,000, or so much thereof as is necessary, is hereby appropriated from any moneys not otherwise appropriated.

Sec. 3. That said commission shall make its report at the earliest practicable date, not later than the 4th day of March, 1913, and shall at the filing of said report cease to exist.

The SPEAKER. Is there objection?

Mr. MANN. I reserve the right to object.

The SPEAKER. The gentleman from Illinois [Mr. MANN] reserves the right to object.

Mr. MANN. May I ask the gentleman from Alabama [Mr. Hobson], is this commission now doing business at all?

Mr. HOBSON. It is.

Mr. MANN. Who is here attending it?

Mr. HOBSON. Nearly all the members, I understand, are here.

Mr. MANN. There are quite a number of members that I know who are not here, and who have not been here. I do not know what they are doing in connection with it. I wondered who has charge and who is doing the work here.

Mr. HOBSON. I have not made a roll call of them. Capt. Chambers is in charge. He informed me on Saturday that the commission was proceeding and hoping to be able to make its report before the 4th of March.

Mr. MANN. Are they having any meetings?

Mr. HOBSON. They are having meetings daily, morning and afternoon, I understand.

Mr. MANN. What do they need an appropriation for?

Mr. HOBSON. To pay the necessary expenses of their members.

Mr. MANN. What expenses can there be? Capt. Chambers already has a stenographer at his beck and call, has he not?

Mr. HOBSON. The gentleman understands that they are receiving the hospitality of the Carnegie Foundation here, and are using its hall. There is no expense for the hall. If the gentleman will read section 2 he will find—

Mr. MANN. I have just read it. I have referred to it.

Mr. HOBSON. It covers the necessary expenses of the commission. I will say to the gentleman that there are no salaries. They are not paid for their time, and the money will be used chiefly to pay their traveling expenses from their homes to Washington and their hotel bills while in Washington.

Mr. MANN. Well, of course most of these officers are in Washington.

Mr. HOBSON. And there will be none for those who are.

Mr. MANN. Here is a proposition to have a report submitted to Congress in a month's time. Of course 20 or 30 gentlemen, or whatever may be the number of them—whether 19 or otherwise—holding meetings on the subject of aeroplanes and air navigation and air experimentation, will not get together on anything unless somebody has it prepared for them. I supposed Capt. Chambers had it all worked out. Why not get Capt. Chambers's views?

Mr. HOBSON. We have his views.

Mr. MANN. Why, then, this commission?

Mr. HOBSON. We believe that, competent as Capt. Chambers is in such matters, the advice of 18 other experts in such matters, in private and official life, would add to the value of such a report.

Mr. MANN. What authority had the President for appointing this commission?

Mr. HOBSON. None.

Mr. MANN. Do we not have a law forbidding it to be done?

Mr. HOBSON. We did enact such a law, and that is the reason why it is necessary to pass this law, if the commission—

Mr. MANN. And the President, having violated the law—

Mr. HOBSON. I am not going to be put in the position of saying the President violated the law.

Mr. MANN. That was the law.

Mr. HOBSON. The President did not violate that law or any other law that I know of; but the President could not pay the expenses of the commission unless it was confirmed or authorized by law. The President, I take it, could appoint any gentlemen he pleased on a nonofficial commission, and if they desired they could assemble in Washington and make a report; but the President could not defray their expenses, and the commission would not have the standing and dignity of an official commission unless it received the sanction of such a bill as this.

Mr. MANN. I suppose the President can ask Bill Jones or anybody else for an opinion on any question, but I think that the

President has not the power to appoint an official commission without the authority of Congress.

Mr. HOBSON. The gentleman must understand that this commission is not official unless this bill or some such bill is passed.

Mr. MANN. We have in the Army men working on aviation—

Mr. HOBSON. Not very many—

Mr. MANN. Not as many as I would like to have, and we have men in the Navy working on aviation.

Mr. HOBSON. This will get more.

Mr. MANN. I supposed that is what it is for.

Mr. HOBSON. Yes.

Mr. MANN. In advance, as the gentleman says, of any report of any commission or authority to do it.

Mr. HOBSON. The gentleman is as omniscient as any man I know, but in aerodynamics even the most learned of all are in a realm that requires careful and scientific investigation.

Mr. MANN. The gentleman scolds me because I agree with him that there should be more men working on this subject. The gentleman said we needed more men. Therefore, following him for once at least I said, "I am ready to give more men without waiting for the report of the commission." Then the gentleman lectured me because I did not want to wait until the commission was appointed.

Mr. HOBSON. If the gentleman will listen to me a little longer, I will explain to him that this commission would make the development and expansion of aerodynamics regular and consecutive and effective, and under it we could proceed then with this aerodynamic laboratory as the nations abroad have done, and it would be more economical and more efficient than simply having to appoint more officers and detail them at random to this duty.

Mr. MANN. Now, let us see. If this commission should be appointed, this bill having been reported from the Committee on Naval Affairs, I take it that the report of that commission when made might naturally be sent to the distinguished committee which reported in favor of the bill, thereby conferring upon the Committee on Naval Affairs practically exclusive jurisdiction of the subject of air navigation in the House. Is that one of the purposes of the bill?

Mr. HOBSON. I disagree with the gentleman. I do not think he really thinks that.

Mr. MANN. Certainly, I really think that. That would probably be the result.

Mr. HOBSON. That the report of this commission would give the Naval Committee exclusive jurisdiction of aerodynamics?

Mr. MANN. Oh, exclusive jurisdiction of this subject of an aerodynamic laboratory.

Mr. HELM. I would like to ask the gentleman from Illinois or the gentleman from Alabama a question.

Mr. HOBSON. If the gentleman from Illinois [Mr. MANN] will excuse me for a moment, I will yield to the gentleman from Kentucky.

Mr. MANN. The gentleman from Alabama has the floor.

Mr. HOBSON. If the gentleman from Illinois will excuse me long enough to listen to the question of the gentleman from Kentucky—

Mr. MANN. Certainly.

Mr. HELM. Does the Army appropriation bill carry an appropriation of about \$175,000 for aeroplane purposes?

Mr. MANN. It carries \$100,000.

Mr. HELM. I thought it was a total of \$175,000—an appropriation of \$100,000 and an unexpended balance of about \$75,000.

Mr. MANN. No.

Mr. HELM. Remaining from the former bill.

Mr. HOBSON. The total appropriation of the United States Government to date for this purpose, exclusive of the present Army and Navy bills, is only \$140,000, while the appropriations abroad to the same date are as follows: France, \$7,400,000; Russia, \$5,000,000; Germany, \$2,250,000; Great Britain, \$2,100,000; Italy, \$210,000; and Japan, \$600,000.

Mr. MANN. The appropriation in the Army bill for aeroplanes is \$100,000.

Mr. HAY. In the current bill it is \$125,000.

Mr. MANN. It is included in the appropriation for the signal service.

Mr. HAY. And we appropriated \$125,000 for that purpose.

Mr. MANN. I thought it was \$100,000.

Mr. HAY. It was last year, but this year it was made \$125,000.

Mr. HELM. Did you not also carry over an unexpended balance of \$60,000 or \$65,000?

Mr. HAY. Oh, no.

Mr. HOBSON. This commission has the head of the Signal Corps as one of its members, and the Navy seeks no preponderance or priority of authority.

Mr. MANN. The gentleman is familiar with the reports that have already been made from some of the committee of the House, possibly not for an aerodynamic laboratory, but for something along the same line, at once place in Ohio and one place, I believe, in the South.

Mr. HOBSON. I do not think those are questions of pending legislation.

Mr. MANN. Yes.

Mr. HOBSON. I thought the experimental place in Texas was a matter of assignment by the War Department.

Mr. MANN. There are bills on the subject in the House.

Mr. HOBSON. I do not say there are not.

Mr. MANN. Bills which have been reported.

Mr. HOBSON. I have not seen them.

Mr. MANN. There are reported bills on the subject in the House. The gentleman from Ohio [Mr. SHARP] has been very much interested in the subject. The gentleman from Georgia [Mr. HARDWICK] has been very much interested. He has had a bill on the subject for some plant at some place in the South.

Mr. HOBSON. I have heard no objection, in the hearings before our committee or elsewhere, to having a central aerodynamical laboratory similar to the ones they have in other countries—in France, England, Italy, and Germany—where they have found them absolutely necessary for the development of the art of aviation and aerostatics. As far as I know, no objection to this bill has been made by Members of Congress or others interested in establishing stations in other places.

On the contrary, there is the most cordial concurrence by those in civil life with the military and naval authorities over this bill. Abroad several aerodynamic laboratories have been established where the expense was met and defrayed partially by the Government and partially by private citizens. I have been unofficially informed that as soon as this Government gives proper encouragement to the movement in this country there are many citizens of this country who are prepared to give the same kind of cooperation in defraying expenses that has been made abroad.

I will say to the gentleman from Illinois [Mr. FOSTER] that there is probably no department of modern knowledge and scientific progress that is more important than this department. There is none in which the experimentation is as important or as necessary as this. It took many, many decades of experimenting to determine the constants for the formulae used in navigation of the water, and water navigation is not yet beyond the realm of experimentation. It will require the most careful scientific experimentation to get the corresponding constants for formulae for navigation of the air. Such experimentation as this commission would promote is necessary for the proper development of the art and science of this navigation, both for commercial purposes and the purpose of defense, in which we have already fallen behind the rest of the world.

Mr. FOSTER. I want to say that I am not opposing the establishment of this laboratory, but it seems to me that it is useless to appoint a commission to determine whether we ought to establish it. Now, I know that the gentleman's knowledge of naval affairs is great and that his advice is good. I am always glad to listen to him on these subjects. But it seems to me that if it is necessary, and the gentleman shows by the report here that the establishment of this laboratory in foreign countries has been had and what good work is being done there, in the light of that it seems to me useless to have a commission to determine whether we ought to establish a laboratory. I might agree with the gentleman if he would bring in a bill to establish a laboratory.

Mr. HOBSON. I will say to the gentleman that a bill will be brought in before long for that purpose; but I want to say to the gentleman that the authority of the commission, the nature of its report, and all those questions raised by the gentleman were gone into by the Naval Committee, and the gentleman will find that while the bill does not direct the committee to make a general investigation of the subject of the aerodynamic laboratory, it does call upon them to report recommendations, with such facts as they have ascertained, and their report will not be simply that the Government ought to establish an aerodynamic laboratory, but it will go further. The report will embody the plans for such a laboratory carefully formulated, with such information as they have gathered from the rest of the world, and the plan will embody the opinions of experts from all parts of the country and we will have this valuable result at practically no cost for their services.

We are getting the services of 19 men of the highest achievement in that science practically free. All we are asked to do, when they are doing the work for the Government as a labor of love, is to dignify them by making it an official commission, defraying their necessary traveling and hotel expenses. If we report that, I can assure the gentleman from Illinois that it will not be merely a question of reporting whether we ought or ought not to have such a laboratory, and that I am sure he himself will be much gratified and fully satisfied with the nature of their report. After that report we will bring in a bill based upon the information which has been gathered by the 19 members and their joint conclusions and plans, to establish a proper aerodynamic laboratory in Washington for the use of the Army, the Navy, and the Marine Corps and the use of civilians and for all those interested in the art and science generally. I hope the gentleman from Illinois will not persist in his objection.

Mr. MANN. What will be the line of work of this aerodynamic laboratory if established?

Mr. HOBSON. I can tell the gentleman that, in my judgment, it will be largely the same line of experimentation that was made in the development in the art of navigation at sea, only they will be dealing with a gas instead of a liquid; but they will have to get similar constants for the various formulae, which they can only get by systematic investigations. I could go into detail and tell you about the question of thrust and the question of friction, involving the pitch, shape, area of the propellers, the lifting power, working area, obliquity, shape of planes, and so forth.

Mr. MANN. That is what we want to hear about. The gentleman says he can, but can he?

Mr. HOBSON. I think I can.

The SPEAKER. Is there objection?

Mr. FOSTER. I object.

AMENDING GENERAL PENSION LAW.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 28003) to amend the general pension act of May 11, 1912.

Mr. FOSTER. Mr. Speaker, the gentleman from Missouri [Mr. RUSSELL], the author of this bill, is compelled to be away to-day. He requested that I ask unanimous consent that the bill might go over until another day.

Mr. MANN. Why should not we pass it now?

The SPEAKER. The gentleman from Illinois asks unanimous consent that this bill be passed over without prejudice.

Mr. MANN. Mr. Speaker, let us have the bill read, and then we will see if anybody objects to it. I do not believe there is any objection to the bill.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the general pension act of May 11, 1912, is hereby amended by striking out section 5 and adding in lieu thereof a new section, so as to read as follows:

"SEC. 5. That it shall be the duty of the Commissioner of Pensions, as each application for pension filed under this act is adjudicated, to cause to be kept a record showing the name, length of service, and age of each claimant, the monthly rate of payment granted to or received by him, and the county and State of his residence; and shall at the end of the fiscal year 1914 tabulate the records so obtained by States and counties, and to furnish certified copies thereof upon demand and payment of such fee therefor as is provided by law for certified copies of records in the executive departments; and that further increase of rate under this act on account of advancing age shall be made without further application by pensioner and shall take effect and commence from the date he is shown by the aforesaid record to have attained the age provided by this act as a basis of rating: *Provided,* That where a claim has been heretofore adjudicated and the record therein does not sufficiently establish the date of birth of the soldier or sailor pensioner nothing herein shall prevent such further investigation as is deemed necessary, in order to establish a record upon which future increases of rate under this act, on account of advancing age, may be possible, the object being to advance automatically the rate of pension, as provided for by this act, without unnecessary expense to the pensioner."

The SPEAKER. Is there objection?

Mr. SLAYDEN. Mr. Speaker, I would like to ask the gentleman from Illinois for a little information about this bill. I could not get the entire purport of it from the reading of the Clerk. It says something about automatic increases of pensions.

Mr. FOSTER. Mr. Speaker, for instance, a soldier is 66 years old. He gets his pension based upon that age, for his service, whatever it may have been. The record shows and it has been established that his age be 66. This bill provides that when he becomes 70 years of age he gets an increase given to him automatically without his going through all the form of an affidavit and a formal application.

Mr. MANN. Mr. Speaker, if the gentleman will permit, I think the matter is very well stated in a letter sent by the

gentleman from Missouri [Mr. RUSSELL] to the Interior Department, and a reply to that letter. He stated:

It has always occurred to me that the increase of pensions by reason of age ought to be allowed automatically, but I realize that your department can not, without much additional work in preparing lists, tell when the increase should begin, but I can see no necessity for formal applications when all the necessary proof is already on file. Many old soldiers are poor, afflicted, and many miles from a notary public, and if a written notice was sufficient it would save them much trouble and expense and often avoid delay.

Thereupon the department prepared a memorandum which went into this bill, for the purpose of obtaining and retaining—which they get in the ordinary course—the addresses of these soldiers. Under this bill as they grow older, and as age allows an increase of pension, it is allowed to them without their being required to file an application for an increase.

Mr. FOSTER. When we passed the bill in 1908 all of the widows' pensions were increased automatically, and this simply provides that the increase shall be done in that way.

Mr. MANN. On account of age.

Mr. FOSTER. On account of age and nothing more.

Mr. SLAYDEN. Mr. Speaker, both gentlemen from Illinois, like Plato, reason well.

The SPEAKER. Is there objection?

Mr. FOSTER. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole, as it is on the Union Calendar.

The SPEAKER. Is there objection?

Mr. RODDENBERRY. Mr. Speaker, reserving the right to object, will the gentleman from Illinois have any objection to a short amendment being offered to the bill?

Mr. FOSTER. Mr. Speaker, I have no objection to that. The gentleman has the right to offer his amendment. I could not prevent that.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Illinois asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the bill for amendment.

The Clerk again read the bill.

Mr. RODDENBERRY. Mr. Speaker, I offer the following amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, on page 1, line 12, after the semicolon following the word "residence," by inserting the following:
"And upon inquiry and ascertainment first made by the commissioner a record showing and designating the names and addresses and salaries or pay of all claimants who are in the employment in any department or branch of the Government service at a rate of pay or salary in excess of \$1,000 per annum."

The SPEAKER. The question is on the amendment offered by the gentleman from Georgia.

The question was taken; and on a division (demanded by Mr. RODDENBERRY) there were—ayes 15, nays 35.

So the amendment was rejected.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FOSTER, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE MISSISSIPPI RIVER, MINNEAPOLIS, MINN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 27944) to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi River in said city.

The Clerk read as follows:

Be it enacted, etc., That the city of Minneapolis, in the county of Hennepin and State of Minnesota, a municipal corporation organized under the laws of the State of Minnesota, be, and it is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River from Third Avenue south, near its intersection with First Street south on the west side of said river, to the intersection of Second Street and First Avenue southeast, on the east side of said river, in the city of Minneapolis, in the State of Minnesota, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read the committee amendment, as follows:

Strike out all of section 1 after the enacting clause and insert in lieu thereof the following:

"That the time for commencing and completing the bridge authorized by the act of Congress approved January 27, 1910, as amended by the act approved January 27, 1912, to be built across the Mississippi River from Third Avenue south to First Avenue southeast, in the city of Minneapolis, Minn., is hereby extended to one year and three years, respectively, from date of approval hereof."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn."

BRIDGE ACROSS MISSISSIPPI RIVER, MINNEAPOLIS, MINN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 27988) to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi River in said city.

The Clerk read as follows:

Be it enacted, etc., That the city of Minneapolis, in the county of Hennepin and State of Minnesota, a municipal corporation organized under the laws of the State of Minnesota, be, and it is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto in said city across the Mississippi River, extending from Washington Avenue north, near its intersection with Lyndale Avenue north and Forty-second Avenue, crossing the tracks of the Minneapolis, St. Paul & Sault Ste. Marie Railway Co. and the Water Works Park, across the river to the intersection of Thirty-seventh Avenue northeast, if extended, with the river south of the pumping station, in such a manner as not to impede or hinder navigation in said river at the location above stated, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read the committee amendment, as follows:

Strike out all of section 1 of the bill after the enacting clause and insert in lieu thereof the following:

"That the time for commencing and completing the construction of the bridge authorized by the act of Congress approved January 27, 1912, to be built across the Mississippi River from Washington Avenue north, near its intersection with Lyndale Avenue north and Forty-second Avenue, to Thirty-seventh Avenue northeast, in the city of Minneapolis, Minn., is hereby extended to one year and three years, respectively, from date of approval hereof."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn."

BRIDGE ACROSS MISSISSIPPI RIVER, MINNEAPOLIS, MINN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 27986) to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi River in said city.

The Clerk read as follows:

Be it enacted, etc., That the city of Minneapolis, in the county of Hennepin and State of Minnesota, a municipal corporation organized under the laws of the State of Minnesota, be, and it is hereby, authorized to construct, maintain, and operate a new bridge and approaches thereto across the Mississippi River, where an old bridge is now standing, from Plymouth Avenue north, on the west side of said river, to Eighth Avenue northeast, on the east side of said river, in the city of Minneapolis, in the State of Minnesota, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read the committee amendment, as follows:

Strike out all of section 1 except the enacting clause and insert in lieu thereof the following:

"That the time for commencing and completing the construction of the bridge authorized by the act of Congress approved February 15, 1910, as amended by the act approved January 27, 1912, to be built across the Mississippi River, from Plymouth Avenue north to Eighth Avenue northeast in the city of Minneapolis, Minn., is hereby extended to one year and three years, respectively, from date of approval hereof."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn."

BRIDGE ACROSS MISSISSIPPI RIVER, MINNEAPOLIS, MINN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 27987) to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi River in said city.

The Clerk read as follows:

Be it enacted, etc., That the city of Minneapolis, in the county of Hennepin and State of Minnesota, a municipal corporation organized under the laws of the State of Minnesota, be, and it is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River, extending from the intersection of Nineteenth Avenue south and Bluff Street across the river to the intersection of Tenth and University avenues southeast, in the city of Minneapolis, in the State of Minnesota, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read the committee amendment, as follows:

Strike out all of section 1 after the enacting clause and insert in lieu thereof the following:

"That the time for commencing and completing the construction of the bridge authorized by the act of Congress approved January 27, 1912, to be built across the Mississippi River from the intersection of Nineteenth Avenue south and Bluff Street to the intersection of Tenth and University Avenues southeast, in the city of Minneapolis, Minn., is hereby extended to one year and three years, respectively, from date of approval hereof."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn."

On motion of Mr. NYE, a motion to reconsider the votes by which the above four bills were passed was laid on the table.

BRIDGE ACROSS MISSOURI RIVER IN NORTH DAKOTA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 27879) providing authority for the Northern Pacific Railway Co. to construct a bridge across the Missouri River in section 36, township 134 north, range 79 west, in the State of North Dakota.

The Clerk read as follows:

Be it enacted, etc., That the Northern Pacific Railway Co., a corporation organized under the laws of Wisconsin, its successors and assigns, are hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Missouri River at a point suitable to the interests of navigation in section 36, township 134 north, range 79 west, in the State of North Dakota, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. MANN. Mr. Speaker, this bill is on the Unanimous Consent Calendar in another place.

The SPEAKER. The Clerk will strike it off where it appears at another place.

PUBLICITY IN TAKING EVIDENCE UNDER THE SHERMAN ANTITRUST LAW.

The next business on the Calendar for Unanimous Consent was the bill (S. 8000) providing for publicity in taking evidence under the act of July 2, 1890.

The Clerk read as follows:

Be it enacted, etc., That in the taking of depositions of witnesses for use in any suit in equity brought by the United States under the act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, and in the hearings before any examiner or special master appointed to take testimony therein, the proceedings shall be open to the public as freely as are trials in open court; and no order excluding the public from attendance on any such proceedings shall be valid or enforceable.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, it seems to me, I will say to the gentleman from Nebraska [Mr. NORRIS], that the Supreme Court having recently made some rulings which very much reformed the procedure in court, that it is a matter of doubtful propriety for us to try to enact a new rule right following that.

I would like to encourage the Supreme Court to make rules all along the line of procedure and provide a rule that would not only prevent depositions under the trust law being secret, but prevent the taking of any depositions in secret.

Mr. NORRIS. I would like to say to the gentleman that I agree fully with what he says, but there are reasons that I think will appeal to the gentleman why this law should be passed as affecting the so-called Sherman antitrust law that do not apply to cases generally. As he knows, it is the universal rule—I presume there has been no exception to it—that in every case commenced under that act the evidence is always taken by a master, because it is scattered over the country, and he goes around from place to place and takes the evidence, and he is a good while taking it. And the ordinary case that as a rule is heard in court is somewhat different. Almost universally in these cases practically all of the evidence is taken by the master and taken at various places. The Attorney General tells me that in this particular case where the question was raised in Boston it was the first time it ever had been raised. Everybody supposed, or at least the department did, that the taking of the testimony by the master must be taken in public the same as in open court. He also tells me that in these cases he has never known an exception to this rule; that at various times the publicity that is given to the taking of the evidence as the

case progresses, it usually taking several months to take the evidence—he, on account of such publicity, gets additional evidence that he is able to offer in the case before the case is finally closed. Now, the evidence taken in this way in the aggregate constitutes hundreds and sometimes thousands of pages, so that when it gets into court, if this should be secret until that time, it means it always will be secret, because it is too great and voluminous for any attention to be paid to it by anyone.

Mr. MANN. Mr. Speaker, I have no doubt whatever in my own mind, so far as the United States courts are concerned, that all evidence ought to be taken in public. They do not try divorce cases or things of that sort. But here is a proposition to have Congress immediately after the making of equity rules by the Supreme Court provide that in a certain class of cases evidence shall be public.

Mr. NORRIS. The equity rules of the Supreme Court do not apply here.

Mr. MANN. I understand they do not cover this; thereby giving the impression to the courts and masters that the taking of evidence in other cases may properly be in secret. I think if the Supreme Court has its attention directed to the case the gentleman speaks of, or any case on the subject, that the court will make a rule permitting the taking of testimony by any master or examiner in secret, which would be far better, in my judgment, than enacting this into law.

Mr. NORRIS. I will say to the gentleman from Illinois that I think he readily concedes that there is a reason, as I have, in my weak way, tried to give, for the enactment of this law as applied to these cases, that does not apply to the ordinary case.

Mr. MANN. No; I do not see any reason that does not apply to the ordinary case.

Mr. NORRIS. The reason is—

Mr. MANN. I think the gentleman's reasoning is good. I do not wish the gentleman to misunderstand me. And I think it is also good on other occasions.

Mr. NORRIS. There is not any other class of cases that I know of where it is the almost universal rule that all the evidence is taken by a master or a traveling court. Most of this evidence in the ordinary case is taken in open court.

Mr. MANN. On the contrary, the bulk of the testimony in all of the interstate cases is taken by the master and not taken in open court.

Mr. NORRIS. I presume the cases the gentleman refers to are cases under this Sherman antitrust act.

Mr. MANN. Certainly not. They are cases in which the Interstate Commerce Commission is interested, and have nothing to do with the Sherman antitrust cases, and there are many cases in which not only the Government is interested, and other parties interested, and are now tried where the bulk of the testimony is taken by deposition, although the court in recent rulings endeavors to have as much testimony taken in open court as possible. But take one of the railroad cases involving rates of fare, and I do not want to give the masters or examiners the impression that they can take that testimony in secret.

Mr. NORRIS. And I do not either, I will say to the gentleman. But let us now consider it just for a moment. It is conceded by everybody that there are some cases that arise in court where there are reasons why the evidence should be taken in secret.

Mr. MANN. What kind of a case? I do not concede anything of the kind in any case that comes before the United States court.

Mr. NORRIS. There are hundreds of men who claim it, for instance, in cases, as it was referred to in this particular case I had reference to up in Massachusetts, where the object of the case is to obtain secrecy and the publication of the evidence would absolutely nullify the judgment that somebody is seeking in the court. And there are other cases where the evidence might be immoral and indecent, or something of that kind, where the court, for that reason, might order it taken in secret, but none of these reasons exist in cases brought by the Government under the Sherman antitrust act, and this bill applies only to such cases.

The exceptions are very few; I admit it. But if we made this law general we would not be able to get it passed, because there are exceptions that ought to exist.

Mr. MANN. Is not that a very good reason, then, why it ought to be handled by the Supreme Court in making its rules, so that it can provide for the exceptions?

Mr. NORRIS. If the Supreme Court had such rules with regard to evidence taken in such cases, that would be well. I can not speak with authority on that subject, but, in my judgment, in this particular case, where the court ordered the evidence to be taken in secret, it means that the United States Government will go no further in the case.

Mr. MANN. I do not know what the case is, I will say to the gentleman.

Mr. NORRIS. It is a denial of justice.

Mr. KENDALL. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. NORRIS. Yes; I yield to the gentleman.

Mr. KENDALL. I understood the gentleman from Illinois [Mr. MANN] to suggest that the Supreme Court had recently promulgated certain rules covering the practice, but their rules were not inclusive of this case?

Mr. MANN. That is what I said.

Mr. KENDALL. The gentleman also advanced the idea that if an abuse of this sort occurred the court might correct it. I assume it is the inferior court the gentleman has reference to?

Mr. MANN. No; the Supreme Court.

Mr. KENDALL. The rules of the Supreme Court were promulgated after this Massachusetts case?

Mr. NORRIS. Yes.

Mr. MANN. That may be true. They may have been promulgated after that. They were prepared, I understand, before this question arose.

Mr. KENDALL. In this Massachusetts case, on complaint, I suppose, of the Attorney General, or the law officer of the Department of Justice, an appeal was made to the court to direct the master to order an open hearing, and the court, after very careful deliberation, approved entirely the action of the master.

Mr. MANN. It may be the court was right. I do not know.

Mr. KENDALL. The gentleman can conceive of a case.

Mr. NORRIS. I am not contending that the court was wrong as a matter of law. I do not believe the Government could get that order reversed if it tried to. I have read the proceedings, and there was very little of it on either side. I think it was conceded by both sides that it was a matter in which the court had the discretionary right to say either way, and if this bill is not passed the court can provide that a hearing shall be secret, and the Supreme Court can not set aside that order.

Mr. MANN. The Supreme Court can issue an order any day amending the rules.

Mr. NORRIS. Yes; but a case would not be reversed if it went up on that particular account.

Mr. KENDALL. It is not contended that any law was violated by the judge. It was simply an impropriety?

Mr. NORRIS. Yes.

Mr. CLAYTON. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Nebraska yield?

Mr. NORRIS. Yes; I yield to the gentleman.

Mr. CLAYTON. Mr. Speaker, I appreciate fully the value of the suggestion made by the gentleman from Illinois [Mr. MANN] that there ought not be any special legislation where a general rule or a general statute could take care of the subject matter of any proposed legislation. I think that is a wise and salutary rule to be observed in lawmaking. But there are exceptions to the rule which are just as wise as the rule, and those exceptions sometimes are themselves of greater wisdom than a mere adherence to the rule.

Now, in this case, as everybody knows, the case of the Shoe Machinery Trust, which called for this special legislation, no suit or proceeding can be begun under the Sherman antitrust law, so called, as this suit against the Shoe Machinery Co. was begun, except by the consent and by the authority and in the name of the Attorney General. Now, the Attorney General, in the administration of justice and in the prosecution of that proceeding has found himself hampered by a rule of the court, and he has appealed to the Congress to remove that obstacle.

He claims that in this very case against the Shoe Machinery Manufacturing Trust, in Boston, the order of Judge Putnam that the testimony be taken behind closed doors has worked to the detriment of the correct administration of public justice; and from the fact that he has asked for this legislation I infer that he has been unable to get relief anywhere else. I infer that he has been unable to get relief from Judge Putnam's court, and he is unable to get relief through any rules of the Supreme Court. Therefore he appeals to Congress to pass this act.

Mr. COOPER. Mr. Speaker, will the gentleman from Alabama tell us what, if any, reason was assigned by the judge who ordered that testimony to be taken in secret?

Mr. CLAYTON. I am not apprised of the reason the judge gave for his ruling.

Mr. COOPER. What reason could he give?

Mr. CLAYTON. I can not imagine any; but whether he had a reason or not, he did it, and we are trying to correct what I believe to be an obstruction to the correct administration of justice.

Mr. BURKE of Pennsylvania. Does the gentleman know in what way a Government case would be prejudiced as a consequence of an order of this kind? I assume, of course, that neither of the parties to the proceeding would be excluded, nor would their counsel. Both parties would be made fully cognizant of every step taken in the proceedings. Now, what I would like to ask the gentleman is in what way is the Government or the Attorney General prejudiced by the order to take the testimony in secret?

Mr. CLAYTON. I can not answer exactly what reason the Attorney General may give for it, because I do not have it directly from the Attorney General, and I do not wish to give reasons which may be chargeable to him, but I want to give what I suppose to be his reasons. In all these matters like the shoe machinery trust case the public is interested, and in every one of these investigations, through the medium of spreading the information through the press and through the bystanders who heard it, public information has been disseminated, and in many cases the Department of Justice has had its attention called to other facts with which it was unacquainted until these public hearings.

Sometimes the bystanders have heard things and the Attorney General has derived information from them which, if they had been excluded from the hearings, he perhaps would not have gotten. Sometimes the matter has gone to the press and has been discussed there, and from that source he has derived further information beneficial to him in the successful prosecution of suits against the trusts. At any rate, the Attorney General has said not only to the gentleman from Nebraska [Mr. NORRIS], who introduced the bill on this subject in the House, but to Senator NELSON, of Minnesota, that he regarded it as important that the taking of testimony in these suits hereafter should be in public. I think I am violating no confidence when I say that the distinguished Senator from Minnesota [Mr. NELSON] said he introduced this bill and secured its passage through the Senate at the request of the Attorney General, and that it was prepared at the Department of Justice, and that the reason for it was that in a recent suit instituted by the Department of Justice under the antitrust law against the Boot and Shoe Machinery Manufacturing Trust in Boston United States Circuit Judge Putnam ordered that the testimony before the master be taken behind closed doors. This the Attorney General, so the Senator from Minnesota thinks, rightfully objected to and insisted that the taking of the testimony should be open to the public.

Now, Mr. Speaker, the day has long since passed when we should have star-chamber proceedings, and the public has a right to know, especially in a matter like the Shoe Machinery Trust case, what is going on, because a suit of that kind is not between private parties. It is a suit in behalf of the people. It is inaugurated by the Attorney General, and can not be inaugurated except through the Department of Justice, and it is peculiarly a public matter and the public is peculiarly interested in it, and it can not be said that there can be any sound public policy why the testimony should be taken in secret. I assume it will not be said that the disclosures will be so indecent as to shock the public. If the trust has been guilty of anything so wrong, so shocking to the sensibilities of a judge, the people ought to know about it; and they have a right to have these hearings in the open, as they have always been before.

At any rate, the chief law officer of the Government has advised Congress that it would promote the administration of public justice to have this bill passed, and I am quite willing to take his judgment, because he is primarily chargeable with the execution of the law.

Mr. BURKE of Pennsylvania. I would just as soon take the judgment of the chairman of the Committee on the Judiciary on that subject.

Mr. CLAYTON. I thank the gentleman for the compliment. If it is of any value, I will say that the chairman of the Committee on the Judiciary agrees with the Attorney General.

Mr. BURKE of Pennsylvania. I do not dissent from the gentleman's opinion, but I wanted to know if there was any special reason, growing out of any particular case, that made it necessary for the passage of this legislation. It seems to me that there might be cases where trade secrets might be disclosed, for we all know that there have been improvident prosecutions.

Mr. CLAYTON. To meet that objection, this bill is limited in its nature.

Mr. BURKE of Pennsylvania. With reference to the Sherman antitrust law, but I believe there have been cases brought under that statute where it ought not to apply.

Mr. CLAYTON. The fact that it is limited met with the disapproval of the gentleman from Illinois, as I understood it.

Mr. MANN. If this bill was referred to the Attorney General and he expressed an opinion in regard to it, was there any special reason why that opinion should not be furnished to the House?

Mr. NORRIS. It was not referred to the Attorney General, and, with the exception of a slight change, it was drawn by the Attorney General.

Mr. MANN. Every department of the Government draws a great many bills for Members of Congress. I would like to have the department express its opinion in writing.

Mr. NORRIS. The Attorney General was not asked by the committee to do that, but he has referred to this particular case in this report, published and before Congress.

Mr. MANN. Yes.

Mr. NORRIS. Recommending this very legislation.

Mr. MANN. That is true. I have no doubt the Attorney General is in favor of it.

Mr. NORRIS. Why should we refer the bill back to the Attorney General after he had prepared it?

Mr. MANN. So as to have a statement in reference to it. The Attorney General is conducting a lawsuit. He has been unable to get the judge to do what he wants done, and thereupon he proposes to force the judge to do it by legislation through Congress for the purpose of affecting that particular lawsuit.

Mr. NORRIS. Does the gentleman from Illinois think the Attorney General is trying to cover up anything?

Mr. MANN. The gentleman from Illinois would not put it upon that ground. I have great confidence in the Attorney General.

Mr. NORRIS. If the gentleman's criticism is correct, it ought to go to the committee and not to the Attorney General.

Mr. MANN. I am not criticizing.

Mr. NORRIS. The Attorney General, I know, would not object to giving his opinion.

Mr. MANN. I asked if there was any reason why we did not have the opinion of the Attorney General, and the gentleman from Nebraska has given the reason, and that is satisfactory, so far as I am concerned. But I am not satisfied to pass the bill by unanimous consent.

Mr. BURKE of Pennsylvania. Will the gentleman from Nebraska yield?

Mr. NORRIS. For a question.

Mr. BURKE of Pennsylvania. Will the gentleman indicate what benefit there would be derived by the passage of this particular provision to open to the public this testimony?

Mr. NORRIS. The gentleman has asked a question which I will answer. The first reason is that unless there is some reason to the contrary, the proceedings of court should always be open to the public. If we are going to permit the decision of this court to stand—and I do not know how we can meet it without a change of the law—you will be met at the threshold of every prosecution under the Sherman antitrust law with an application for a secret hearing. In effect, it will mean that in every case under the Sherman antitrust law the evidence shall be buried and not given to the public if we do not pass this legislation.

Further answering the gentleman, I want to say that these cases to which this act would apply are always cases in which the United States Government is a party, commenced by the Attorney General of the United States. He represents the people of the United States, and any citizen ought to have the right to go into the court and have cognizance of the proceedings, particularly in a case where the people of the United States are a party.

Mr. BURKE of Pennsylvania. If that is true, why did the gentleman qualify and make an exception in some cases? If the courts are to be opened, why ought they not to be opened in all cases?

Mr. NORRIS. If we should come in here with a general act there would be a dozen objections, and one would be that there might be some case where the testimony was immoral and indecent and where the court ought to have a right to make it secret.

Then they would say it would apply to other cases where the evidence is taken in open court rather than by a master, as in this case. The reason why we are not having it apply generally is we want to avoid the very objection the gentleman seems inclined to make because we did not include all the cases. We concede there may be cases in which the hearing ought to be secret.

Mr. BURKE of Pennsylvania. Mr. Speaker, if the gentleman can conceive why there should be exceptions made with reference to other laws, is it not possible that other gentlemen can

conceive why there should be exceptions made in the administration of this law?

Mr. NORRIS. I concede that is right, and if the gentleman can point out any reason why there should not be publicity, I think that is proper.

Mr. BURKE of Pennsylvania. I simply point out this fact. There has been no reason pointed out by the proponents of this bill why this particular statute should be taken out and made an exception of when it comes to its enforcement by the Attorney General.

Mr. NORRIS. I thought I had stated that to the gentleman in the first place. One reason for it is that, unless there should be reasons given to the contrary, there ought to be publicity in court proceedings, and no man has ever yet been able to give any reason why there should not be publicity in cases under the Sherman Antitrust Act.

Mr. BARTLETT. In this particular case what was the reason?

Mr. NORRIS. I am answering one question and I will yield to the gentleman just as soon as I get through with this answer. Another reason why this class of cases should be made public is because the testimony is always taken by a referee, a master. The gentleman understands that under the Sherman antitrust law there will be some evidence taken in San Francisco and some in Massachusetts. It is scattered around. A master is appointed and he may consume six months in taking the testimony.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object—

Mr. NORRIS. Mr. Speaker, I desire to finish my answer. The master is traveling all over the country taking evidence. He takes some in Kansas City, and then he goes to Omaha, where he takes some more evidence, and then in New York City, and so on around the country. When he gets through he has a large amount of evidence, thousands of pages, perhaps. If the public are excluded from the hearings in Kansas City and in Omaha, the public does not know what the evidence is until it is filed in open court. At that time if there is any reason why publicity should be given, it disappears for the reason that no man would go through such a voluminous record.

Mr. BURKE of Pennsylvania. Who is to decide the issue in that judicial proceeding—the public or the judge?

Mr. NORRIS. I will tell the gentleman where the public comes in, if the gentleman does not think the public ought to be in as a matter of right. The result will be that there will be no publicity, as a matter of practice, in these cases unless the publicity takes place when the evidence is produced before the master. In every case yet that the present Attorney General has ever commenced under the Sherman Antitrust Act, and he has commenced more than any other Attorney General, there has never been one yet where in some hearing evidence was not developed and given to the public which was the means of giving to him additional evidence, which he offered in the case before it was finally finished. So that in this class of cases, if the newspapers publish what one witness or another witness testifies to before the master, some man a thousand miles away will read it and he will write to the Attorney General and give him some information that is of material benefit in the case.

Mr. TOWNSEND. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TOWNSEND. Mr. Speaker, has a reservation of objection been made upon this bill?

The SPEAKER. Yes.

Mr. TOWNSEND. Is the gentleman who has made the reservation too jealous of it to allow the rest of us to enjoy some of its benefits?

The SPEAKER. The Chair does not know. The gentleman from Illinois [Mr. MANN] made the reservation.

Mr. MANN. Mr. Speaker, if the gentleman from New Jersey will propound that question so that I can understand it, I will be very glad to answer it. I could not understand it as propounded before.

Mr. NORRIS. Mr. Speaker, I think that a proposition coming from the Attorney General of the United States is entitled to great weight, wherein he says that there is not a case where publicity has been given that it has not assisted him.

Mr. BURKE of Pennsylvania. The fact that the Attorney General has instituted a prosecution under the Sherman antitrust law becomes a matter of public knowledge the moment the papers are filed. The newspapers throughout the United States make that known, especially the papers of the community where the offending party resides.

Now, a suit already having been begun by the Federal Government and knowing such a proceeding is in course of being con-

cluded, and knowing that such a complaint is made against a particular institution, what additional virtue is there to be found in inviting the public into these hearings where trade secrets and methods of doing business are in line with everything that is legitimate, fair, and proper? What is to be gained by admitting the public there for the purpose of ascertaining those secrets and peddling them to their rivals?

Mr. NORRIS. Does the gentleman dispute the word of the Attorney General?

Mr. BURKE of Pennsylvania. I have not the word of the Attorney General. I have the gentleman's word that—

Mr. NORRIS. Does the gentleman deny that I am telling him correctly?

Mr. BURKE of Pennsylvania. I do not; I do not doubt the gentleman's word at all.

Mr. NORRIS. There is the reply; the gentleman's question is answered.

Mr. MANN. Mr. Speaker, I have no doubt of the word of the gentleman from Nebraska on anything. I had intended, if I may say to the gentleman, when this matter came up to move to strike out the restriction and let it apply to all hearings, but the gentleman has convinced me that there are some cases, which I can not imagine myself, where there ought to be secrecy, so I do not feel disposed to make that motion if the bill comes up. On the other hand, I think it requires further attention, and for the present, at least, I shall object.

The SPEAKER. The gentleman from Illinois objects, and the bill is stricken from the calendar.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. FLOOD of Virginia, from the Committee on Foreign Affairs, reported the bill (H. R. 28607) making appropriations for the consular and diplomatic service for the fiscal year ending June 30, 1914, which was read the first and second time, and, with the accompanying report (No. 1434), ordered printed and referred to the Committee of the Whole House on the state of the Union.

Mr. MANN. Mr. Speaker, I reserve all points of order on the bill.

UNALLOTTED TRIBAL LANDS OF THE CHOCTAW AND CHICKASAW NATIONS.

The next business on the Calendar for Unanimous Consent was the bill (S. 5676) authorizing the Secretary of the Interior to set aside for sanatorium purposes not to exceed four sections of the unallotted tribal lands of the Choctaw and Chickasaw Nations of Oklahoma.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to designate and set aside not to exceed four sections of the unallotted lands belonging to the Choctaw and Chickasaw Tribes of Indians in Oklahoma, said reservation being for the purpose of providing land on which to build a sanatorium or sanatoria for the benefit of said tribes of Indians.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, whoever is in charge of the bill I would like to ask if he intends to ask for the passage of the bill or for the amendment, which is not shown by the bill reported by the committee?

Mr. CARTER. Mr. Speaker, we intend to ask for the passage of the substitute as shown in the report.

Mr. MANN. Well, then, I shall object.

The SPEAKER. Did the Chair understand the gentleman from Illinois to say he would object?

Mr. MANN. Mr. Speaker, I will reserve the right to object.

Mr. HARRISON of Mississippi. Mr. Speaker, I desire also to reserve the right to object.

Mr. MANN. Mr. Speaker, I do not think the gentleman ought to expect to come in here with a bill where they report an amendment which is not reported in such shape that it is reported with the bill where it should be—only printed in the report—gross negligence by some one—carrying an appropriation which the original bill does not do, and then, having obtained the consent of the House to consider the same bill, proposes to consider something entirely different that never was properly presented to the House.

Mr. CARTER. Mr. Speaker, I presume that was a mistake of the printer, or some one.

Mr. MANN. Oh, it is not a mistake of the printer at all.

Mr. CARTER. Well, where does the mistake lie?

Mr. MANN. I do not know where it lies, but it lies with somebody—probably lies with the gentleman who made the report—

Mr. KENDALL. The gentleman said the printer, or some one.

Mr. MANN. That is my friend from Oklahoma.

Mr. CARTER. Does the gentleman consider that I am not some one?

Mr. MANN. No; I think the gentleman is a big one—nearly the whole thing in these matters.

Mr. CARTER. Mr. Speaker, I will admit I did not look after sending the copy to the printer. I did tell the clerk of the committee what I would like to have in the report, and the gentleman from Illinois certainly understands that Members do not have time to look after all these details.

Mr. MANN. Well, I know I have made more reports on bills to this House than any man in the House, unless it be from the Committee on Pensions, and I have never brought a report to the House without looking at the bill and the report to see whether it was properly marked.

Mr. CARTER. The gentleman certainly does not expect the perfection in the ordinary Member that he has acquired.

Mr. MANN. I expect more in the gentleman from Oklahoma than I ever expect to acquire before I get to the other world.

I know how this occurred. The gentleman, instead of giving it to the printing clerk and putting in the basket a marked copy of the bill itself, showing the amendment, simply showed the amendment in the report. The printing clerk does not read through the long reports presented by committees in order to ascertain what amendments are proposed and fix up the bill accordingly. They would have to have 40 printing clerks if that were done. There should be filed with the report two copies of the bill. I asked the gentleman whether he was willing to have the Senate bill and pass it, or whether he wanted to take the House substitute that was not before the House.

Mr. CARTER. The bill as it passed the Senate only provides there shall be 2,500 acres of land, without any appropriation for the hospital at all. The House bill, as we expected to have it, provides an appropriation of \$50,000 for the building of the hospital. Now, we have not any use for the land to be set aside unless we have the appropriation for the hospital.

Mr. MANN. The appropriation belongs in the Indian appropriation bill. If this bill should pass and go to the President and be signed, the gentleman would probably, without any difficulty at all, have inserted in the Indian appropriation bill \$50,000, or even \$50,000,000, for the purpose.

Mr. CARTER. But that would put it off for another year, Mr. Speaker, and this is a very urgent matter.

Mr. MANN. I do not think it would put it off at all, although I do not think it would hurt very much if it were put off for another year.

Mr. CARTER. We could not have the appropriation this year if we passed the bill, because I think the Indian appropriation bill will be reported to the Senate right away—in fact, it may be reported to-day.

Mr. HARRISON of Mississippi. I want to ask the gentleman from Oklahoma [Mr. CARTER] if the Senate substitute carries with it an appropriation of \$50,000?

Mr. CARTER. The Senate bill has no substitute. The Senate passed the bill originally. The House substitute does carry an appropriation of \$50,000.

Mr. HARRISON of Mississippi. With the four sections of land?

Mr. CARTER. With the four sections of land.

Mr. BURKE of South Dakota. On that line I want to say a word, because I do not think the gentleman from Illinois [Mr. MANN] understands the situation perhaps. As I understand it, the Choctaw Council has made an appropriation of \$50,000 out of their own money, and that has been approved, as I understand it, by the President. Am I correct?

Mr. CARTER. That is correct.

Mr. BURKE of South Dakota. Now, this simply ratifies it and allows them to expend their own money for this purpose, which, to my notion, is a much better way of disposing of this amount of money than paying it to them per capita, which we would be obliged to do.

Mr. MANN. That is ordinarily true. We are not supposed on unanimous-consent days to pass appropriations, much less appropriations like this. I think it would be bad practice to pass such an amendment as is proposed here.

Mr. HARRISON of Mississippi. I want to ask the gentleman from South Dakota [Mr. BURKE] if in approving this matter Mr. Taft says that the \$50,000 is to be taken out of the Choctaw fund?

Mr. BURKE of South Dakota. That is what I have stated.

Mr. HARRISON of Mississippi. Why not the Choctaw and Chickasaw fund?

Mr. BURKE of South Dakota. The gentleman from Oklahoma [Mr. CARTER] probably can explain. My understanding is that it is to be a Choctaw matter, and the Chickasaws are not to participate in it.

Mr. CARTER. There was some doubt of the propriety of Congress to appropriate funds of any of the Five Civilized

Tribes for such purpose as this without their consent. We had the consent of the Choctaw Council, but not of the Chickasaw legislature, for the use of these funds, and the governor of the Chickasaw Nation objected to having any appropriation made for this purpose out of Chickasaw funds unless the Chickasaw legislature agreed to it. For that reason we made it a Choctaw proposition at the request of the chief of the Choctaws.

Mr. HARRISON of Mississippi. Did the Chickasaw Council agree that their land should be allotted?

Mr. CARTER. There is no allotment of land. The Chickasaw legislature took no action in the premises for the very good reason that they have not met for several years, but the governor of the Chickasaws said that in view of the fact that the land where the hospital would be built was worth very little money he would make no objection to the use of the land, but did object to any part of the appropriation coming out of the Chickasaw funds unless the Chickasaws agreed to it.

Mr. HARRISON of Mississippi. Why is it necessary to have four sections of land to use for sanitarium purposes?

Mr. CARTER. I do not know that it is necessary.

Mr. HARRISON of Mississippi. That is what you purpose to give.

Mr. CARTER. We followed the recommendations of the Choctaw Council.

Mr. HARRISON of Mississippi. Who is supposed under this bill to attend to this sanitarium?

Mr. CARTER. The Secretary of the Interior, under rules and regulations, will appoint somebody to attend to it, I presume.

Mr. HARRISON of Mississippi. Who are allowed to attend there for treatment?

Mr. CARTER. Any bona fide Choctaw. That might not mean that people from your State with less than one two-hundred-and-fifty-sixths Indian, and who are now attempting to divest the Choctaws of Oklahoma of some of their just rights, would be admitted.

Mr. HARRISON of Mississippi. That means that no part of this sum shall be used for the treatment of any Choctaw from Mississippi, and that those Choctaws are to be cut off?

Mr. CARTER. It might mean the keeping out of many thousands of people who, though they may be among the best people in the gentleman's State, yet to all intents and purposes are Indians for revenue only. [Laughter.]

Mr. HARRISON of Mississippi. Then I will object to the bill.

The SPEAKER. The gentleman from Mississippi objects.

Mr. MANN. I wish the gentleman would withhold his objection for a moment.

Mr. HARRISON of Mississippi. Then, Mr. Speaker, I will reserve the right to object.

Mr. MANN. I would like to know whether the gentlemen are willing to pass the Senate bill as reported in the House without the amendment, which is not shown on the face of the bill, because, as a matter of practice, I shall object to the passing of the bill with an amendment here, reported back to the House with a report recommending the striking out of all after the enacting clause, but not showing it on the bill, so that Members are not put on guard. That is an exceedingly bad practice.

Mr. FERRIS. Mr. Speaker, I shall not attempt to say anything, or contend that the report is properly gotten up. We all agree about that. But I want to call the attention of the gentleman to one or two things before he knocks the bill off the calendar—

Mr. MANN. Which I shall do unless the gentlemen are willing to take the original bill.

Mr. FERRIS. I want the gentleman to understand one or two facts before he does that. The Choctaw legislature, which is a legislative body, has formally passed this bill, the president has approved it. It is now up to Congress to ratify it.

Mr. MANN. I know that—

Mr. FERRIS. The Choctaw legislature spent most of the winter considering and passing upon this proposition.

Mr. MANN. Yes; they appropriated \$50,000, but it requires our approval.

Mr. FERRIS. And the President of the United States has sent to this Congress at this session a long message particularly urging upon us the necessity of the protection of the Indians from disease.

Mr. MANN. I understand that.

Mr. FERRIS. And when the Indian appropriation bill was up, the gentleman from Illinois [Mr. MANN] and the gentleman from Wisconsin [Mr. COOPER] and others belabored the committee for not appropriating more of the moneys of the Federal Government for this purpose. The object of this bill is to appropriate the money of the Indian people, and they them-

selves have appropriated it, to do the very thing that the President has asked to be done by his special message, and to do the very thing about which the gentleman from Illinois and others complained, because it was not done. I think the gentleman ought to let the Indians spend some of their own money for this purpose, when it is conceded so necessary by everyone who knows the facts.

Mr. MANN. I shall not prevent them. The money will still be there and will still be used for that purpose.

Mr. FERRIS. But there will be no hospital there, and the Indians can not spend their money only as they come to Congress for their authority.

Mr. MANN. There may be no hospital; that is true.

Mr. HARRISON of Mississippi. I object.

The SPEAKER. The gentleman from Mississippi objects, and the bill is stricken from the calendar. The Clerk will report the next one.

MEMORIALS TO THOMAS JEFFERSON AND ALEXANDER HAMILTON.

The next business on the Calendar for Unanimous Consent was the bill (S. 745) providing for the erection of a statue to Thomas Jefferson at Washington, D. C.

The Clerk read the bill, as follows:

An act (S. 745) providing for the erection of a statue to Thomas Jefferson, at Washington, D. C.

Be it enacted, etc., That a commission is hereby created, to be composed of the Secretary of State, the chairman of the Committee on the Library of the Senate, and the chairman of the Committee on the Library of the House of Representatives, of the Sixty-second Congress, to select a site on the public grounds in the District of Columbia, exclusive of the Capitol Grounds and the grounds of the Library of Congress, for a statue of Thomas Jefferson to cost, complete, not to exceed \$100,000; and, to procure plans and designs for the same to be reported to Congress during its next session, the sum of \$5,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, I would like to have read the amendment proposed by the committee.

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

That a commission is hereby created, to be composed of the Secretary of State, the Secretary of the Treasury, the chairman of the Committee on the Library of the Senate, and the chairman of the Committee on the Library of the House of Representatives of the Sixty-second Congress, to select sites on the public grounds in the District of Columbia, exclusive of the Capitol Grounds and the grounds of the Library of Congress, for memorials to Thomas Jefferson and Alexander Hamilton, to cost, complete, not to exceed \$100,000 each; and to procure plans and designs for the same, to be reported to Congress during its next session, the sum of \$10,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Sec. 2. There shall be deducted from the \$100,000 authorized for the erection of the memorial to Alexander Hamilton a sum equal to that turned over to the commission by the Alexander Hamilton Memorial Association.

Sec. 3. The designs of the memorials shall be subject to the approval of the Commission of Fine Arts.

The SPEAKER. The gentleman from Illinois [Mr. MANN] reserves the right to object.

Mr. SLAYDEN rose.

The SPEAKER. The gentleman from Texas [Mr. SLAYDEN] is recognized.

Mr. SLAYDEN. Mr. Speaker, I had expected that the gentleman from Massachusetts [Mr. GARDNER], who made the report on this measure, would be in the House. Oh, I beg the gentleman's pardon; I see he is here. I yield to the gentleman.

Mr. GARDNER of Massachusetts. Mr. Speaker, two bills came over from the Senate, one providing for a statue of Thomas Jefferson, and the other providing for a statue of Alexander Hamilton. They came to our Committee on the Library, and we thought it best to combine the two bills together and present the measure to the House in the present form.

As a matter of fact, there has been a Hamilton Memorial Association for some time which has raised about \$6,000, and we provide in this bill that that \$6,000 shall be turned into the fund of \$100,000 to be devoted to the erection of a statue to Hamilton. In the past there has been legislation looking toward the erection of a monument to Jefferson.

Mr. MANN. Mr. Speaker, I withdraw my reservation of the right to object.

Mr. COX. I renew it.

The SPEAKER. The gentleman from Illinois withdraws his reservation of the right to object, and the gentleman from Indiana [Mr. COX] makes a reservation of his own.

Mr. GARDNER of Massachusetts. Nothing has been done under the prior resolution, I think, largely owing to the death of John Hay. That is the whole story.

Mr. COOPER. Will the gentleman from Massachusetts inform the House, if he can, what has become of the fund raised by the sale of a very handsome edition of the works of Thomas

Jefferson for the purpose of erecting in this city a memorial hall in honor of Jefferson.

Mr. GARDNER of Massachusetts. I do not know. I know nothing about that. This is the first time I ever heard of it.

Mr. COOPER. I ask because I have \$60 invested in those books myself.

Mr. BARTLETT. The gentleman got the books, did he not?

Mr. COOPER. I got the books.

Mr. MONDELL. Were they worth the money?

Mr. BARTLETT. They were well worth the money.

Mr. MANN. They were worth the money if you could not get them for less.

Mr. GARDNER of Massachusetts. I think the gentlemen who were members of the committee at that time are not now on the committee. Possibly the gentleman from Texas [Mr. SLAYDEN] may have some recollection about it.

Mr. COOPER. I should like to ask the gentleman from Texas [Mr. SLAYDEN], chairman of the Committee on the Library, if he knows what has become of that fund?

Mr. SLAYDEN. I could not hear the gentleman's inquiry.

Mr. COOPER. Several years ago a society was organized, the exact name of which I do not recollect, but my impression is that it was the Jefferson Memorial Association—

Mr. SLAYDEN. That is correct.

Mr. COOPER (continuing). The purpose of which was to secure funds by the sale of copies of the works of Thomas Jefferson to erect a memorial building to him in this city.

Mr. SLAYDEN. I regret to say that I can not advise the gentleman about that. I was a subscriber to the work—20 volumes, as I remember—and I think I paid \$60 for them.

Mr. COOPER. I was a subscriber and paid \$60. [Laughter.]

Mr. SLAYDEN. The books were worth the money. They were the best collection of Jefferson's works that I have ever seen, and I do not regret the investment; but if the association ever made any money out of the publication I do not know of it. The Committee on the Library had no connection whatever with it.

Mr. CANNON. If I may be allowed, a gentleman sitting not a great distance from me suggests that the two gentlemen who bought the books were easy marks.

Mr. COOPER. In reply to the gentleman from Illinois I will say that, in my judgment, I was not taken in at all in purchasing the works of Thomas Jefferson. I have read them with great pleasure and profit. [Applause on the Democratic side.]

Mr. McCOY. Mr. Speaker, as there seem to be so many suckers in the House, I suggest that the inquiry of the gentleman from Wisconsin be referred to the Committee on the Merchant Marine and Fisheries. [Laughter.]

The SPEAKER. The gentleman moves that this bill be referred to the Committee on the Merchant Marine and Fisheries. Those in favor will say aye.

The affirmative vote was taken.

Mr. MANN. Mr. Speaker, unanimous consent to consider the bill has not yet been given.

The SPEAKER. That is true. Did the gentleman from New Jersey make his motion in earnest?

Mr. McCOY. Only by way of suggestion to the gentleman from Wisconsin [Mr. COOPER].

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. COX. I reserve the right to object, Mr. Speaker.

The SPEAKER. The gentleman from Indiana [Mr. Cox] reserves the right to object.

Mr. SLAYDEN. Mr. Speaker, these bills to erect statues or memorials to Thomas Jefferson and Alexander Hamilton did not originate in the House. The distinguished Senator from Massachusetts, Mr. LODGE, offered a bill in the Senate a year ago to commemorate Alexander Hamilton, and Mr. BACON, the senior Senator from Georgia, followed immediately with a similar bill to appropriate for a statue or memorial for Thomas Jefferson. Thus these two distinguished men who did such wonderful service for the country in those early days were again put into company running, so to speak, a race with each other at this late day. Both bills passed the Senate, as I remember, unanimously. Having come to the Committee on the Library, the committee finally, as the gentleman from Massachusetts [Mr. GARDNER] stated, thought it better to combine the two.

Now, Mr. Speaker, I want to say to some gentlemen who do not seem to know it, that this is the first bill reported out of the Committee on the Library which asks the Government to undertake a penny of expense. There are pending in that committee bills that call for an aggregate sum approximately of four and a half million dollars, asking for statues or memorials

to people, many of whom, I confess with shame, I never heard of before these authorizations were asked. Ninety per cent are intended to commemorate the deeds of soldiers and sailors; and the Committee on the Library has reached the conclusion that enough had been done in that line for a long time. They believe that civilians had something to do with the creation and the maintenance and the direction of this Government; that some people besides those who wore epaulets are entitled to the gratitude of the American people and have a right to expect that honor will be done to the memory of such men.

In December last the committee, being appalled by this great number of bills asking that memorials be erected to Colonel This and General That, to celebrate a skirmish at this place and a battle at that, passed a resolution expressing the opinion of the committee that until proper recognition had been given to civilians who had done great service for the people they would report no other bills for memorials. The committee think that the great statesmen, the great literary and scientific men, should be recognized, and that great events, rather than individuals, may properly be commemorated.

That is the attitude of the committee to-day, and this is the first and only bill that it has reported in the whole life of the Sixty-second Congress, and I believe that I speak with approximate accuracy when I say that it is probably the only one that will emerge.

Mr. SHERWOOD. Will the gentleman yield?

Mr. SLAYDEN. Yes.

Mr. SHERWOOD. What is to be the expected cost of it?

Mr. SLAYDEN. I will say that when we conferred with the members of the Fine Arts Commission with reference to the bills presented in the Senate and which use the word "statue" we were told that \$100,000 was too much for a statue and it might be enough or too little for a memorial. We believe that a statue made by a great artist on a proper pedestal can be erected for less than \$100,000, and therefore the bill was phrased as it is.

Mr. MURRAY. Mr. Speaker, I want to inquire of the gentleman—

Mr. GARDNER of Massachusetts. Mr. Speaker, have I the floor?

Mr. MURRAY. I thought the gentleman had yielded the floor to the gentleman from Texas.

Mr. GARDNER of Massachusetts. I did not intend to do so.

Mr. MURRAY. I only wanted to ask the gentleman from Texas if he would tell me what memorials there are in the city of Washington to Hamilton and Thomas Jefferson?

Mr. SLAYDEN. None that I know of.

Mr. KENDALL. Will the gentleman from Massachusetts yield?

Mr. GARDNER of Massachusetts. Certainly.

Mr. KENDALL. I want to inquire, without any view of interposing an objection, because I am in favor of the bill, under the provisions of this resolution the Secretary of State, the Secretary of the Treasury, and the chairman of the Committee on the Library in the House and in the Senate are to have the selection of the site, as I understand it?

Mr. GARDNER of Massachusetts. Yes.

Mr. KENDALL. I wanted to inquire if the Committee on the Library in the House had considered the question of site?

Mr. GARDNER of Massachusetts. Yes.

Mr. KENDALL. It seems to me it would be fitting and appropriate to locate in front of the State Department the statue of Jefferson and in front of the Treasury Department the statue of Hamilton. I wanted to know whether that sentiment met with any favor in the committee.

Mr. GARDNER of Massachusetts. Yes; those suggestions were both discussed along with many others, and the committee came to the conclusion that it would provide nothing as to the site except to exclude from consideration the Library grounds and the Capitol grounds.

Those sites are excluded by the terms of the bill, but otherwise we felt that this commission was more competent to decide the question than we.

Mr. KENDALL. This Commission on Fine Arts will have no influence at all in determining the location of these memorials.

Mr. GARDNER of Massachusetts. No; this special commission designated in the bill—

Mr. KENDALL. The Commission on Fine Arts must approve finally of the type of memorial, but it will have nothing to say as to where they shall be located.

Mr. GARDNER of Massachusetts. No; the bill leaves the question of site in the hands of two members of the incoming Cabinet, a Member of the Senate, and a Member of the House. I want to say to the gentleman from Indiana [Mr. Cox] that

if he intends to make his objection in any event, I wish he would make it now. If he desires any explanation, I shall be very glad to give it.

Mr. COX. Mr. Speaker, I will say that I intend to make the objection.

Mr. GARDNER of Massachusetts. Mr. Speaker, then I make the objection now.

Mr. COX. Mr. Speaker, I object.

The SPEAKER. The gentleman from Massachusetts and the gentleman from Indiana object.

DESERT-LAND ENTRIES, CHUCKAWALLA VALLEY, CAL.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 26943) to exempt from cancellation certain desert-land entries in the Chuckawalla Valley and the Palo Verde Mesa, Riverside County, Cal.

The Clerk read the bill, as follows:

Be it enacted, etc., That no desert-land entry heretofore made in good faith under the public-land laws for lands in townships 4 and 5 south, range 15 east; townships 4 and 5 south, range 16 east; townships 4, 5, and 6 south, range 17 east; townships 5, 6, and 7 south, range 18 east; townships 6 and 7 south, range 19 east; townships 6 and 7 south, range 20 east; townships 4, 5, 6, 7, and 8 south, range 21 east; townships 5, 6, and 7 south, range 22 east; township 5 south, range 23 east, shall be canceled prior to May 1, 1916, because of failure on the part of the entryman to make any annual or final proof falling due upon any such entry prior to May 1, 1916.

Mr. FOSTER. Mr. Speaker, I reserve the right to object. I notice that this provides for the time of filing the proof, prior to May 1, 1915, or 1916, as it was in the bill originally. I notice the letter from the Secretary of the Interior says that an extension of one year is all that ought to be given, and if that extension be given it would enable these entrymen to determine whether this project could be irrigated or not, and that one year was all that they needed.

Mr. FERRIS. But he made a later report than that.

Mr. FOSTER. I have not the later one.

Mr. RAKER. Mr. Speaker, I feel that I may be able to explain the situation. The committee will observe that the first report was made December 28, 1912. It is found on pages 4 to 5 of the report.

Mr. FOSTER. I have the report.

Mr. RAKER. Recommending one year. These people, through their associations, sent Mr. Shepherd to Washington, and the matter has been taken up by the Department of the Interior. It has been gone into very fully, together with the report of the engineer in charge. The Secretary now states that he feels it is right and proper that an extension of two years be granted these people.

I want to say, in addition to that statement, that I have here the report of the engineer of this project, showing the plat and the map and pictures of this desert land, some 250,000 acres. There is no water there, nothing except some brush of various kinds, and no living creature is there except at two places where deep wells have been dug and a little water obtained. These people have gone out and prepared this report. It is by one of the best engineers in the United States—a man who participated in the building of the Panama Canal. The people had to pay, on an average, \$320—\$80 for filing. In taking their witnesses from Los Angeles and other places in California it cost them in the neighborhood of \$100, and I want to say to the committee that these are all residents of the State of California. There are something over 800 of them. It costs, under the law—and those up to the first of the year have expended that amount—\$320 on each tract of land. The entire cost of this project they figure on will be from six to eight millions of dollars. The original organization, when these people first filed, got into some complications, and on account of the arrangement of the Secretary of the Interior and the condition in Mexico a board has now been appointed to investigate whether or not they will be permitted to use the water. That being the case, this one firm was unable to go ahead.

These 800 people have formed an association for the purpose of going in there, and here is the report of the engineer that it is feasible; that the water can be had and that the ditches can be made, and that these 250,000 acres of barren desert land can be made as beautiful as the valley of San Jose or the Imperial Valley in southern California. Less than \$50 an acre will be the expense to these people. Going out into the sagebrush and pulling it out and pulling up this vegetation without any water, and having to haul it, it will be no improvement on the land. They ask this Congress to grant them two years' time in which to complete the organization, to the end that they might go on the Colorado River, put in the necessary pumps and build the necessary ditches for the purposes of getting this water out upon this land, and then when that time has expired they will be compelled to pay the same amount upon the

improvement of the land and of the ditches and the water rights which will go into its development.

The Government loses nothing; absolutely nothing; it just simply says to these people, "We will give you two years' time to develop and improve the methods so as to be able to obtain sufficient water for these lands."

Mr. KAHN. Will my colleague yield for a question?

Mr. RAKER. I do.

Mr. KAHN. This land is absolutely valueless unless they get the right to take the water from the Colorado River and put it upon this land?

Mr. RAKER. It is absolutely valueless, and a man can not live there without water being brought in that country.

Mr. KAHN. And by putting the water upon the land it will provide homes for many thousands of people?

Mr. RAKER. It will.

Mr. KAHN. It will take at least two years in perfecting the work of pumping the water from the river?

Mr. RAKER. In arranging the conditions to get it started, it will.

Mr. KAHN. How much has been already expended by the people who are interested in this project?

Mr. RAKER. Oh, something over \$200,000.

Mr. KAHN. And that money will be largely lost unless this legislation passes?

Mr. RAKER. Absolutely. The money will be absolutely lost, and they will have lost their right to the lands, and the expenditure of this money will go for naught.

Mr. KENT. I desire to ask my colleague some questions. As I understand this project, these people expected to obtain water by the action of a corporation which was put out of business, in part at least, by its disagreement with the Government as to its powers to secure water from the Colorado River.

Mr. RAKER. That is it. On account of conditions in Mexico.

Mr. KENT. On account of Mexican conditions and contentions. Then this water corporation having been put out of business, these people who had taken up the land found themselves powerless to carry out the conditions imposed by the laws respecting arid lands and were unable to proceed in the way of development simply because there was no way by which they could get water. Hence I understand that they have organized together in a mutual association to provide the water of which they were deprived by the failure of this corporation.

Mr. RAKER. That is the condition.

Mr. KENT. I understand that they have expended a very large amount of money in clearing their land and preparing for irrigation, and it is utterly impossible to carry their improvements any further or to obey the letter of the law because they are barred from obtaining water at the present time.

Mr. RAKER. The gentleman states the condition correctly.

Mr. KENT. Now I understand that the proposed bill simply gives these people a chance to save their money, gives them a run for their money as it were; that there is no one interested in taking their land away from them; that the land is valueless without such improvements as they may put upon it. The only objection I have heard against giving them the extension of time they request is that they may be swindled by some one asking them to furnish more money for irrigation. This, it seems to me, is beside the point. It is our duty to give them the opportunity to do all they can do. Neither the Government nor anyone else will be injured in the slightest degree by the extension of their right to the two years asked by this bill.

Mr. RAKER. That is true.

Mr. FOSTER. Mr. Speaker, I withdraw the objection.

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask if this bill should become a law what possibility is there of getting irrigation on this land within the next two years?

Mr. RAKER. Well, I will answer the gentleman by stating I hold in my hand here—

Mr. MANN. That will not answer it.

Mr. RAKER. I can not answer it in one word—showing the examination and the feasibility of this irrigation project. The secretary of the association and a list of men I have here who are scattered all over California are working now and preparing to handle this work—

Mr. MANN. Where is that set forth in the report?

Mr. RAKER. Well, you will find the statement of Mr. L. V. Shepherd to the Secretary of the Interior on page 2, January 15, 1913. That is set out in that statement. I state in addition to the statement we have gone over the matter with Mr. Shepherd and many others; they are scattered all over the State of California, and this list will show their names and

where they live. I know many of them, and I know they are in earnest in trying to develop this desert country.

Mr. MANN. I know. But how are they going to get the water?

Mr. RAKER. They are going to get the water first by putting in a dam and carrying it down to a certain distance—

Mr. MANN. I find in Mr. Shepherd's letter, to which the gentleman has referred, this statement, that letter being addressed to the Secretary of the Interior:

Pending the settlement of the international question that has arisen concerning the waters of the Colorado River, you have ruled that we shall not be allowed to take any water from that stream. Because of the revolution in that country it may be many years before a settlement of this question can be made.

Now, the gentleman attempts, with that letter before him, to say that that letter bears out the proposition that they can get this water on this land within two years, when the place they are going to get it from is likely to be in dispute for many years, according to the letter itself.

Mr. RAKER. In answer to the gentleman, I will state that Mr. Shepherd and those people would like to have three years. That is their idea of the matter, and they believe they can get it arranged. As to the international question, the matter is being taken up now, and I am informed by the authorities that in the next few months that question will be disposed of so far as the Government is concerned.

Mr. MANN. You have no more information than Mr. Shepherd has, and he says that it will be many years; and we all know they are not in position to settle it now.

Mr. RAKER. I took the matter up with the Secretary and Mr. Newell, and went over that situation, and they are in process of adjusting it now. You can not do the thing in a minute.

Mr. MANN. They had best get it adjusted before we come in on this proposition.

Mr. KAHN. As I understand it, the international question that is involved is this: The water that is to be used on this land is to be taken from the Colorado River. None of this land is on the Mexican boundary. It is altogether in the State of California. But there may be some international question involved as to the right to withdraw the quantity of water from the river for irrigating this vast tract of land, and that is what I believe they have been trying to negotiate with the Government of Mexico.

Mr. MANN. Now, having called the attention of the gentleman to the letter of Mr. Shepherd, which he quotes, that they probably can not settle this question for many years to come—meaning the international question—let me call his attention to the next statement made by Mr. Shepherd, as follows:

Although there is enough water flowing down the Colorado River annually, according to measurements taken at Yuma, Ariz., by the United States Reclamation Service, to irrigate every acre available along the lower reaches of the river, in order to avoid litigation with prior rights, we may be obliged to wait until the waters of Colorado River are conserved, which will have to be done by the Government because of the magnitude of the undertaking.

What encouragement does the gentleman find in the proposition that they will get this water within two years?

Mr. RAKER. I will answer the gentleman as to the encouragement I find in that. It is that these people have spent their money. They are bona fide residents of the State of California. They have formed an organization or an association, and they are going there now to continue the expenditure of their money and get the matter arranged to expend all the way from \$6,000,000 to \$8,000,000 to develop this water right and irrigate this desert land. They are the ones who understand it. They are on the ground; and certainly the Government is not injured, no living man on earth is injured, and if we can by an extension of two years relieve these people of expending their money for nothing and eventually developing a first-class irrigating system by private individuals, I ask the gentleman from Illinois if that is not a proper method of legislation and if we ought not to do it?

Mr. KENT. It seems to me that the gentleman from Illinois is unduly heedful that these people may be swindled by somebody else, having, in his opinion, been swindled in the past.

Mr. MANN. If I had been more heedful, or if somebody else had been more heedful before they had been swindled at first, that would have been better.

Mr. RAKER. These are the same men.

Mr. KENT. The point is that these people have been acting in perfect good faith in taking up this useless land and believing they could make it useful, and I do not understand why we, acting for the Government, should enforce against them the hardships of the law when the conditions are such as they are. I believe they ought to have a chance to have a run for their money and see if they can not obtain water. Because this gen-

tleman or that one believes they can not get water is not sufficient reason for us to clamp down on them.

Mr. FERRIS. What earthly harm could it do for them to keep on trying if they want to do so, inasmuch as they may get it in the last analysis?

Mr. MANN. The Chuckawalla Development Co. undertook to develop this land.

The people of California and the other people of the country had the right to believe that the Government of the United States would not authorize the formation of a company to start in on irrigation and obtain the money of the people for the irrigation—for the water—unless it could be carried into effect. They sold these rights all over the State of California to innocent purchasers, who believed that the Government in its wisdom would protect them from that kind of a swindle, and when they got through they find that the Chuckawalla Valley & Palo Verde Mesa Development Co. consists only in obtaining money and using it themselves, not in obtaining water. Now comes along a proposition of the gentlemen themselves, or some of them—

Mr. RAKER. Mr. Speaker, will the gentleman yield?

Mr. KAHN. Will the gentleman yield?

The SPEAKER. Does the gentleman yield? To whom does he yield?

Mr. MANN. Not unless I can stop it. I want to make a statement. It makes no difference to me.

Now, gentlemen come in and want to go ahead with this scheme, knowing that they can not get any water in the time fixed by this bill. And we know that what they intend to do is to get all the people interested in this land to put up some more money to go a little further. Everyone that knows anything about it knows that they can not furnish the water within the time fixed by this bill, and in the end we will help to delude these innocent purchasers again to put in more good money to follow the bad money that went before.

Mr. GARNER. This must be a bunco scheme, then. [Laughter.]

Mr. MANN. I do not doubt the good faith of the gentlemen.

Mr. FERRIS and Mr. KAHN rose.

The SPEAKER. To whom does the gentleman yield?

Mr. MANN. I have not the floor.

Mr. FERRIS. Mr. Speaker, 800 entries are involved here. Eight hundred entrymen have been trying to get water to irrigate these 800 entries. They failed in the first instance to get the water required. I call it to the attention of this House that in the last 10 years the Reclamation Service has expended more than \$60,000,000 in experimenting, and much of the time they have failed. Here are 800 entrymen trying to keep from failing, trying to irrigate their own lands with their own money, at their own expense.

They have been trying since 1908 to convert a portion of California's arid lands into a productive area. They come here now and ask nothing but two more years in which to try. If they fail—if they never get water—the Federal Government gets back every acre of the land. What possible bugaboo and what possible mountain can we erect here, and what "possible straw" man can we conjure up to keep 800 people from the opportunity of trying to irrigate their own lands with their own money, at their own expense?

There is nothing else in this bill. The Secretary of the Interior has looked this over, and in a letter that he wrote to the chairman of the Committee on Public Lands on January 16, 1913, only two or three weeks ago, he says, among other things, this:

After consideration of the representations now made I am willing to modify the report previously submitted to conform with the present request made on behalf of the desert-land claimants, and I have, therefore, to recommend that the proposed extension be made, as suggested by the pending bill, but that the last line on page 2 be amended to read "entry prior to May 1, 1915."

He says he is willing to modify his first report. In the letter he first wrote he said they ought to have one year. The people there were asking for three years, and he now compromises with them and urges that they have two years' extension.

Now, it is proposed to throw this House into a frenzy because 800 men are trying to have an extension of two years in which to irrigate and water their own lands.

Mr. CANNON. If the land is worthless, what possible objection would there be to giving them five years?

Mr. FERRIS. None at all. I think they ought to have it. The Secretary says two years in his report, and when we come here by unanimous consent it must be two years or none at all. If we had exceeded the two years by one month in this report there would be 75 objections, coming from as many Members, and this bill would have been stricken off the calendar, and those 800 men would have had to abandon their homesteads.

Members ought not to conjure up straw men here when there is no ground of objection.

Mr. MANN. That is a great term of the gentleman's, is it not—"conjure up"?

Mr. FERRIS. It is a term that may not sound well, but it expresses the case.

Mr. KAHN. Is it not true that when these entrymen made their application to the Secretary of the Interior they wanted to get three years and that it was cut down one year?

Mr. FERRIS. That is true.

Mr. MARTIN of South Dakota. If this is so simple a matter as the gentleman's eloquence would indicate, what reason, if any, does the Secretary furnish to the committee for insisting upon two years' extension instead of three?

Mr. FERRIS. He thinks they can probably accomplish it in two years.

Mr. MARTIN of South Dakota. In his report, then, he takes the view opposite to that of the gentleman from Illinois that the thing is impossible altogether?

Mr. FERRIS. A man by the name of Shepherd had some correspondence with the Interior Department and with the Reclamation Service about it, and I think they stated that the revolution in Mexico may require more time, and they may have trouble to divert the water from the Colorado River; but the Secretary in a letter written two weeks ago says he has no objection to two years, and I call his attention to his letter contained in the report on page 2, where he sets out his views on the subject. This bill ought to pass. The settlers need the legislation. The State needs the development. It is a heroic fight they are making on desert lands to make homes and comply with the law. It seems to me when only an extension is asked the Federal Government ought to give them a chance. It is unfortunate that the calendar is such that this bill has to be subjected to a unanimous-consent consideration. It is a case of fiddling while Rome burns. No possible harm could come. There is every reason to believe good will come from it.

Mr. KENT. I have a very recent letter from the Assistant Secretary of the Interior, which came to me yesterday, and I very much regret that I have not the letter with me, in which he strongly recommends the granting of this time. He thinks it is in the interest of justice and a proper thing to do. That is the most recent word on the subject, I believe.

Mr. LAFFERTY. Will the gentleman yield?

Mr. RAKER. Yes.

Mr. LAFFERTY. It seems that the objection behind the granting of this time grows out of the fact that Mexico has some claim to the water of the Colorado River. I should like to inquire if any gentleman on the floor of this House knows of any reason, in any treaty or provision of international law, which authorizes the Government of Mexico to interpose any objection to the diverting of sufficient water from the Colorado River to irrigate these lands?

Mr. SHERWOOD. Have they any government in Mexico?

Mr. LAFFERTY. I do not see why the people of the United States should be restricted in their right to the use of the water.

Mr. KAHN. I think I can answer the question, to a certain extent. There is a diversion from the Colorado River in Mexican territory some hundreds of miles south of the land covered by this bill, and I daresay that the Mexican Government has a right to receive constantly the quantity of water which it is now using. That, of course, makes an international complication, but I do not think it is so serious that it will be difficult to reach a determination as soon as there is a government in Mexico that our Government can treat with.

Mr. STEPHENS of Texas. Are the citizens of Mexico using any water from the river now? My understanding is that there is no water being used from the river in Mexico, and hence they have no prior rights.

Mr. KAHN. Yes; there is considerable water being used. I do not know to what extent it is being used in Mexico.

Mr. STEPHENS of Texas. In Mexico is what I speak of.

Mr. KAHN. But the diversion dam of the irrigation company that waters the Imperial Valley is in Mexican territory.

Mr. STEPHENS of Texas. How many Mexican citizens are using water on Mexican territory?

Mr. KAHN. I think there is some irrigation down there in the neighborhood of a place they call Calxico.

Mr. STEPHENS of Texas. Unless there is some, they would have no prior right, and we would have the right to take water if we had use for it.

Mr. KAHN. Very true.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. MANN. I object.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that this may be passed over until next unanimous-consent day. I did not really complete what I had to present to-day, and this seems to be so vital to these people that I ask that unanimous consent.

Mr. MANN. The gentleman has the right to put it on the Unanimous Consent Calendar again.

The SPEAKER. The gentleman from Illinois objects. The bill will be stricken from the Calendar for Unanimous Consent, and the Clerk will call the next bill.

Mr. RAKER. I desire to insert in the Record a list of these applicants who own the land.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

The list of entrymen referred to is as follows:

ENTRYMEN IN THE CHUCKAWALLA VALLEY.

Los Angeles: C. E. Adams, 323 West Forty-seventh Street; Ellis R. Allen, 1205 South Olive Street; Daniel and Maud L. Althouse, 201 Story Building; Edw. W. Austin, 143 East Avenue 41; H. C. Baile, 2075 West Twenty-ninth Place; Stephen E. Bandle, 149 North Pritchard Street; Emil Bechter, 307 West Fourth Street; Eva Beeson, 319 South Cahenga Boulevard; Joe Beeson, 319 South Cahenga Boulevard; Asa D. Bemis, 1702 West First Street; John F. Betz, 690 P. E. Building; C. E. Black, 702 Ferguson Building; Inez Boydston, 2833 Huron Street; Walter N. Bradley, 349 Towne Avenue; E. H. Bresce, 1006 Lake Street; Dr. Paul Bresce, 524 South Spring Street; Aaron Brown, 137 South Spring Street; W. A. Brown, City Hall; William M. Bullock, 301 South Broadway; Frank M. Cagwin, 2351 West Thirtieth Street; Daniel H. Carey, 360 South Hill Street; Mrs. E. V. Cash, 732 South Flower Street; Elizabeth C. Clarke, 933 Manhattan Place; Eugene E. Cohn, 802 California Street; Isadore Cohn, 225 South Los Angeles Street; Morris Cohn, 216 South Los Angeles Street; Jesse M. Colburn, 233 H. W. Hellman Building; J. P. Colburn, 1020 Story Building; Julius Conrad, 127 South Main Street; James P. Conway, 131 West Avenue 51; Edgar W. Cook, Box 123, Station C; Frank S. Cooper, 1632 Seventh Avenue; Rowland H. Crocker, West Seventh Street; Edw. J. Crowley, 3954 Normandie Avenue; William J. Daley, 3759 South Main Street; Francis Davis, Seattle; Nancy E. Davis, Seattle; Phillip Denitz, 225 San Fernando Building; Mrs. John Dutcher, care of McE. & Hueth; William A. Eckerly, 309 North Boylston Street; L. C. Edwards, 226 Laughlin Building; Dr. H. B. Fasig, 2121 North Broadway; Estella S. Flood, 305 North Boylston Street; Eber M. Frazee, 3611 Arroyo Seco Avenue; Charles Gardner, 324 Douglas Building; R. A. Geissel, 1535 West Twenty-eighth Street; Jennie Z. Gewertz, Citizens' Bank Building; H. A. Gilman, 769 Pacific Electric Building; John J. Gonzales, 105 South Spring Street; Martin J. Gress, 537 South Broadway; William J. Hanna, 5008 Pasadena Avenue; Trust and Savings Building; V. J. Hannon, 1444 Dana Street; Sherman E. Hart, 3131 Pasadena Avenue; Henry E. Hartwell, 1823 East Sixty-fifth Street; William C. Havener, 603 East Thirtieth Street; William C. Heffelfinger, 2129 Park Grove Avenue; Frank W. Heidel, 221 East Avenue 40; George W. Hifle, care Hamburger's Department Store; F. J. Hirtz, 4014 Marathon Street; Charles M. Hoff, 1245 Norton Avenue; Grant W. Holland, 1462 West Thirty-seventh Place; William L. Holland, 1462 West Thirty-seventh Place; Charles A. Holt, 512 Mount Washington Drive; A. E. Hughes, 1429 West Thirty-eighth Place; Cary M. Hunt, 2914 South Vermont Avenue; Fred B. Johnson, 518 East Twelfth Street; John A. Johnson, Congress Hotel; Julia Johnson, Congress Hotel; John A. Johnson, Congress Hotel; Julian P. Jones, 2131 Twenty-ninth Place; E. F. King, 314 South Olive Street; Albert F. Koenig, 424 P. E. Building; Charles C. Lane, 140 West Avenue 34; John W. Lawrence, 209 South Fresno Street; V. L. Lawrence, 2825 East Second Street; George Du. Lee, 614 West Fifty-fourth Street; A. E. Loder, 615 International Bank Building; George L. Loudon, 966 Arapahoe Street; H. G. Loudon, 1431 South Los Angeles Street; Miss Marie E. Loudon, 966 Arapahoe Street; Ella P. McConnell, 463 Kenmore Avenue; Peter McCready, 532 South Main Street; Edw. C. McFarrell, 715 West Fifty-fifth Street; James E. McMahon, 532 South Main Street; William J. McMahon, 532 South Main Street; George Mack, 409 Columbia Trust Building; Frank A. Marnell, Baltimore Hotel; Alice R. Martin, 3964 Denker Avenue; Arthur W. Martin, 1278 West Twenty-second Street; Charles B. Messenger, 143 North Avenue 54; Mrs. E. R. Michael, 732 South Flower Street; Winifred Michael, 453 South Hope Street; Charles H. Miller, 1608 West Seventh Street; George H. Moore, rural route No. 12, box 93; Marks S. Moses, 130 East First Street; Thomas A. Nash, 153 Naud Street; Lizzie M. Nave, 321 South Grand Avenue; Loyd P. Nichols, 926 West Thirtieth Street; Charles T. Nouman, 4200 Pasadena Avenue; Charles F. Off, 104 North Union Avenue; John A. Painter, 2801 South Spring Street; Ira S. Palmer, 1315 1/2 East Eighteenth Street; Marcus Pluth, 1462 West Thirty-seventh Place; Edwin A. Pope, 424 Laughlin Building; Ezra J. Post, 3131 Pasadena Avenue; Herman H. Powell, 983 1/2 East Fortieth Street; Jessie C. Read, care Southern Pacific Railroad Co., Arcade Station; E. M. Reinhard, 1521 Harvard Boulevard; B. R. Reinhold, 624 Citizens Bank Building; Mary B. Rothrock, 301 North Broadway; W. F. Sagar, care Wetherby-Kayser Shoe Co.; A. E. Schmutzler, 500 East Thirtieth Street; Ray M. Seymour, 933 East Forty-sixth Street; L. V. Shepherd, 5034 Pasadena Avenue; Frank U. Sherman, 106 North Hope Street; Edw. M. Skeats, 1547 Council Street; Col. H. Slabaugh, 2914 South Vermont Avenue; Ernest J. Smith, 202 West Thirty-second Street; George E. Smith, 143 East Avenue 42; H. G. Smith, 1562 East Twenty-third Street; Charles A. Spears, Hall of Records; Peter B. Spears, Hall of Records; Peter Spellacy, 411 Citizens Bank Building; L. C. Strehminger, 2357 North Thirtieth Street; Albert O. Switzer, 2308 West Thirtieth Street; Harry Wallace, 501 Western Avenue; Mortimer A. Webber, 1323 Dewey Avenue; Claude Wheeler, 2833 Huron Street; William E. Wheeler, 2833 Huron Street; Alden N. Whitcomb, 181 North Daly Street; Edw. W. Whitcomb, 181 North Daly Street; Emma W. White, Hotel Victoria, Seventh and Hope; Zell A. Wood, 909 Manhattan Place.

ENTRYMEN ON THE PALO VERDE MESA.

In Los Angeles only: John W. Anderson, 1096 West Jefferson Street; Everett E. Atkins, 4150 South Main Street; Sidney M. Barbour, 1709 West Twenty-fifth Street; Emory W. Bartlett, 603 East Thirtieth Street; Ruth T. Bayley, 178 South Oxford Avenue; William A. Brown, 4242

South Flower Street; Walter H. Butler, 1314 Orange Street; Arden B. Clarke, 1081 West Thirty-fifth Street; James M. Chinnard, 219 East Adams Street; George B. Copelin, 849 East Twenty-third Street; William H. Cramer, 1171 West Thirtieth Street; Julian F. Cumberland, 131 West Avenue, 51; George J. Damerel, 412 South Broadway; Walter V. Dyserf, 512 Laughlin Building; John H. Engler, 410 West Second Street; Elizabeth J. Eszen, 2354 Seventh Avenue; Fred W. Eszen, 609 Fay Building; Lyman Farwell, 618 Fay Building; Victor P. Finley, 444 South Hope Street; Benjamin F. Frease, 1143 East Forty-eighth Street; Edwin F. Frease, 1143 East Forty-eighth Street; Bert O. Gardner, Chamber of Commerce; William D. Hammel, 1128 San Pedro Street; Ella M. Hildebrandt, 1110 East Eighth Street; Maud A. Hodge, 519 Crocker Street; Maurice J. Jones, 1616 Griffith Avenue; Netta S. Knox, 1136 South Alvarado Street; A. H. Koebig, 841 Title Insurance Building; A. H. Koebig, jr., 841 Title Insurance Building; William H. Krlbs, 1804 Central Avenue; Curtis H. McClure, 235 East Second Street; J. N. King, 1136 Townsend Avenue (or Blythe); Erwin H. Mack, 2313 London Street; Fay M. Manatt, 1039 South Union Avenue; William Marsden, care of Equitable Branch Security Trust & Savings Bank; Margaret I. Martin, 1830 New England Street; Cynthia Meador, 1012 North Alvarado Street; E. A. Montgomery, 400 Columbia Trust Building; Beatrice Moore, 5811 Maplewood Avenue; George V. Morrison, 1830 New England Avenue; Albert E. Nicholls, 1128 San Pedro Street; Harry Peterson, 134 West Thirtieth Street; Jefferson A. Phillips, 927 East Twenty-ninth Street; George Popkin, 451 South Spring Street; Edith M. Remalla, 835 South Olive Street; Meta E. Remalla, 2370 West Twentieth Street; John C. Reutch, 1424 Vernon Avenue; Edward J. Rodden, 2219 West Sixteenth Street; James C. Rush, 219 East Adams Street; Mary Rush, 219 East Adams Street; Susie B. Rush, 219 East Adams Street; J. L. Ryder, 2017 Pasadena Avenue; Frank Saich, 333 Crocker Street; Fred Sayler, 121 West Ninth Street; Julius Shwerdtfeger, 816 West Jefferson Street; Louis Scooby, 1516 Maple Avenue; George T. Shugard, 626 Santee Street; Edward Siebke, 2727 Dalton Avenue; Elsie T. Simpson, 131 West Fortieth Place; W. H. Slabaugh, 2914 Vermont Avenue; Edwin E. Smith, 1146 East Thirty-third Street; Arthur W. Stevens, 1406 Burlington Avenue; Ernest Sunshine, 143 Chestnut Street; Everett W. Vaughn, 423 East Twenty-third Street; George Vaughn, 423 East Twenty-third Street; Mary C. West, corner Twenty-fifth Street and Seventh Avenue; George L. Wight, 317 West Seventeenth Street; Albert W. Wilding, 1639 North Thirty-seventh Place; Clarence E. Wiley, 948 East Twenty-third Street; William J. Woods, 504 Fremont Avenue; A. R. Hueth, Citizens' Bank Building; F. L. McMechen, Citizens' Bank Building; Dr. C. F. English; William Lord, general delivery; Miss E. B. Stephens, Bixel Street; R. Sandoval, 1451 East Fifty-first Street; Mrs. Bertha M. McConnell, 218 East Forty-third Street.

Afton (via Yermo): Mrs. Nettie Galbraith.

Alhambra: Josephine B. Woolverton, 926 North Garfield Avenue; Monta G. Woolverton, 926 North Garfield Avenue.

Altadena: Abraham L. Holling.

Anaheim: Francis M. Dowling, R. F. D. No. 3.

Angels Camp: John A. Bracco, George M. Brodie, Archie O. Dunbar, George D. Garland, Fred B. Jones, T. H. Ryan Jones, August May, Dr. George F. Pache, James Redding, James A. Snow, Albert C. Wilson.

Azusar: Cora C. Du Bois, Peter V. Du Bois, Katherine W. Fobes.

Arcadia: George L. Tucker.

Arlington: Clason S. Burgess.

Bakersfield: John W. Dunn.

Baldwin Park: Gus O. Dodson.

Berkeley: Andrew Moore, 1320 Arch Street; Arthur B. Smith; Robert H. Harding, 1410 Spring Street; Fanny D. Moore, 1320 Arch Street.

Banta: Henry L. Schmidt.

Blanco: Samuel Black, jr.

Boulder Creek: John B. Sinnott.

Bloomington: David M. Waddell.

Blythe: Tyndall Boice, Abner F. Bowen, Dr. Alexander Brown, Mrs. Luella M. Clayton, Mrs. Anna G. Green, William A. Hadden, Ernest Hubner, Charles D. Patterson, Charles E. Yost, John I. Bunch, Albert T. Clayton, Basil De Meyer, George England, Charles E. Fine, Andrew A. Graham, John R. Graham, William G. Graham, Edward A. Green, Joseph W. Hopkins, Anna M. Hulett, Henry B. Hulett, Lillian Hulett, Joseph T. Kerley, Elmer Layton, George A. Layton, John E. Long, Johnston McElroy, George C. Rice, Ernest F. Smith, Robert Tankard, Guy H. Waltman, Henry Baumann, Charles H. Pipher.

Bravely: Phillip Doetsch, Frank Hooley, John Schwartz, Milton A. Conner, Walter A. Simons.

Clearwater: Sarah E. Blake, James M. Williams.

Chico: James B. Rowray.

Coalinga: Merl L. Boles, care W. K. Oil Co.; Maud L. Corona, box 908; William H. Garrigan, box 717; David P. Harpster; Frank M. McWreath.

Congress Junction, Ariz.: William H. Borders.

Colton: Earl P. Burke.

Compton: Louis I. Finn, R. F. D. No. 2.

Chicago, Ill.: Joel Spitz, 529-531 South Franklin Street.

Corona: William T. Blackman; J. G. Daniels; Martha C. Ford; Glen D. Francisco, box 252; Gotthold C. Hirtz, R. F. D., care Mr. Robinson; Ancil T. Hoffman, box 177; Lewis C. Kirby; Sarah R. Kirby; Walter F. Korn; Clarence McDaniels, box 151; James L. Parks, box 1788; E. E. Penprase, box 204; George M. Roberds; Anton Scherman, jr.; August J. Steinke; Hiram C. Strauss; Elzie Veach; George H. Walker; Andrew J. Ware; Jasper N. Wells; Hal H. Wood, R. F. D. No. 1; David M. Browning; Lawrence F. Malone; Cecil B. Randall; Charles W. Wrestler; William H. Sargent.

Courtland: L. R. Beckley, Charles E. Hollister, Frank E. Hollister.

Covina: Herbert E. Lougheed, Garnet Lovely, Marie G. Lovely.

Crows Landing: Peter Stewart.

Cupertino: George W. Glendenning; Anna D. Lydiard; Harry B. Lydiard; William M. Scott, R. F. D. No. 11; Alma E. Sims; Thomas J. Steeter.

Downey: Phillip S. Jewell, R. F. D. No. 1, box 147; Patrick F. Ryan; William C. Showalter.

Danville: Ellis Price.

Davenport: Menno S. Price.

Easter: Evalena Bailor.

Fort Bidwell: Robert H. Wilson, care F. N. Bidwell News.

Fullerton: Harry F. Dalrymple; Macager Good; Jesse Goodwin; William A. Goodwin; James F. Hixon; C. N. Lacoock, box 212; Orion W. Lillie; Albert M. Russell, R. F. D. No. 1; Arthur Staley; Drusilla Staley; George W. Jenkins, jr.

Fairfield: George A. Roney, care superior court, Solano County.

Felton: William C. Stevenson.

Glendale: Elmer E. McQuivy, 1551 Ivy Street; Lilly H. McQuivy, 1551 Ivy Street; Arthur T. Wintersgill, 111 North Louise Street.

Gardena: M. A. Schofield (for H. M. Zurbuchen).

Glendora: Wallace L. Howard, Frank M. Kuhry, Daniel H. Mauerhan, Fred C. Neet, Cyrus W. Willite.

Glenwood: Edwin S. Martin.

Gonzales: Charles W. Parsons.

Hanford: James N. Hoyt.

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Hollywood: Henry A. Lohker, 124 Chester Court; Ada M. Sheppard, 6919 Hawthorne Avenue; Roy Sheppard, Idaho Falls, Idaho; Will C. Sheppard, 6919 Hawthorne Avenue; Harriet M. Zurbuchen, care M. A. Schofield, Gardena.

Hynes: Lizzie Hughes.

Jackson: Elmer D. Boydston, William H. Greenhalgh, Mrs. Addell Zumbiel, Edwin W. Zumbiel.

Jamestown: George T. Black; Mrs. Josephine T. Black; Joseph P. Cardozo; Dr. C. E. Congdon; Mrs. Helen L. Davenport, Hotel Neville; Charles N. Hamblin; John E. Nolan; Luther W. Smith; Ben F. Stine.

King City: William M. Branstetter; Frederick Burchard, box 87; Henry A. Burchard, box 87; Hans J. Lang; George A. Martin; Mrs. Belle Talbott; Paul Talbott.

Lindsay: Sidney A. Allen, Albert Ford, Effie M. Griswold, Oliver J. Griswold.

La Cuyada: Miss May C. Young.

Lodi: Frank F. Irey.

Lompoc: Thomas R. Archer, Ernest Eckert, Ray B. Saunders.

Long Beach: Mrs. E. Brownburger, 143 Chestnut Street; P. W. Barrett, 147 East Ocean Avenue; John B. Burke, 1819 East Fourth Street; Fred A. Curtis, No. 2, box 87; Clifford C. Doran, Hotel Del Mar; Joe M. Sewell, 630 Linden Avenue; Chester H. Brockway, 829 New York Street; Orinsey S. Brockway, 829 New York Street; Frank I. Curtis, No. 2, box 87; George E. Curtis, No. 2, box 87; Millard F. Curtis, No. 2, box 87.

Lordsburg: E. H. Bixby, L. H. Bixby, Mrs. Margaret C. Bixby, Sadie P. Bixby, Charles M. Harvey, R. T. Soper, A. A. Woolk.

Los Gatos: Arch L. Cilker, John M. Cilker.

Manhattan, Kans.: A. B. Smith.

Martinez: Albert L. Dooley.

Mecca: P. S. Gruendike.

Mesaville: W. H. Sauls, Robert N. Coffey, Christian T. Lang, J. E. Pierson, T. E. Poore, Paul S. Knight, Mrs. J. E. Knight.

Modesto: Fidelis A. Lukins.

Monrovia: Dr. Joseph E. Pottenger, Hal Maxwell Siemons.

Murphys: John A. Manuel, Raymond T. Manuel, David E. Roberts.

Napa: William J. Otten.

Neighbors: Arabella E. Bodkin, Jane Nelson, Clarence E. Vertrees.

Nordhoff: Heinrich P. Hess.

Oakland: Harry R. Browne, 590 East Twentieth Street; George P. Clough, 1472 Ninth Avenue; Samuel F. Rutter, 1516 Eighth Avenue; Henry F. Wintermeyer, 2333 Twenty-fifth Avenue, East Oakland.

Ocean Park: Simon L. Hardman, 2650 Main Street; William M. Kendall, post-office box 294; Charles G. Reed, box 327; Frank W. Seager, 3018 Third Street.

Oswego, Oreg.: John Q. Jamieson, R. F. D. No. 1, box 169.

Orange: Samuel A. Luke; James Nickle; Vernon S. C. Barger; Henry Schaffert; Albert C. Storum, 118 Olive Street.

Oxnard: Francis L. Scoles, 250 D Street; Anthony H. Wittman, 226 E Street.

Pasadena: E. I. Ames, R. F. D. No. 1, box 228; Corda L. Anderson, 37 East Walnut Street; George N. Anderson, 37 East Walnut Street; George W. Collis, 58 East Colorado Street; Laura S. Eddy, 425 North Orange Grove Avenue; William W. Fitch, R. F. D. No. 11, box 120; M. H. Hannum, 825 Park Avenue; William Y. Harding, 523 North Galena Avenue; Moses A. Hughes, 335 Park Street; George Wharon James, 1098 Raymond Avenue; Charles W. Mann, 148 South Grand Avenue; Lenore Meyer, 556 Prospect Avenue; Harry S. O'Brien, 790 Garfield Avenue; Charles Pinnick, 37 East Walnut Street; Alice M. Skinner, 556 Prospect Avenue; Aug. C. Skinner, 556 Prospect Avenue; Luin M. Anderson, 37 East Walnut Street; Tillie Burns, 721 Mound Avenue, South Pasadena; Frank L. Carr, 88 North Marengo Avenue; Rachel N. Hammel, 177 North Los Robles Avenue; Guy R. Jacobs, 1189 North Wilson Avenue; Mrs. A. W. Jinnerich, 858 Summit Avenue; William F. Kruger, 37 East Walnut Street; Alfred H. Lovely, 721 Mound Avenue, South Pasadena; Dr. Z. T. Malaby, 666 North Raymond Avenue; Benjamin A. Moll, 445 North Wilson Avenue; Eliza J. Slaven, 345 Stevenson Avenue.

Pomona: William H. Manchester, 749 North Gordon Street; Frederick C. Thomas; Mr. Burke.

Paris: Frank Kramer.

Perris: Harvey A. Shiffer.

Port Costa: Louis J. Delos.

Phoenix, Ariz.: Mabel Ward, care Ward & Billson Nursery Co.; H. L. Billson, care Scottsdale stage; Mrs. H. L. Billson, care Scottsdale stage; Ray W. Ward, care Scottsdale stage.

Princeton: Justin C. Crowell, Thomas E. Davies.

Puente: Lee Craig.

Quincy: Robert N. Fletcher.

Rannels: Florence M. Johnston, Eliza S. Curtis, Joseph Fountain, John Klink, Carl A. Benson, Josef Siebold, Helen M. Marlow, John P. Snyder, Milton K. Handy.

Redlands: Francis L. Chamberlain, James H. Richards, William E. Blecke, William H. Goodrich, William Leistico, Richard R. Tatnall.

Redondo Beach: William N. Perry, 200 Pacific Avenue.

Rio Vista: Emory J. Fraser, Murray L. Isham, Daniel McCormick, Ethel P. McCormick, Agnes M. Stewart, William A. Stewart.

Rivera: Leroy A. Pawley, R. F. D. No. 1; Verd M. Anderson, R. F. D. No. 10.

Riverside: Edward T. Grundstrom, Ninth and Main Streets; Irving M. Huberty, 309 Magnolia Avenue; Charles G. Reynolds, 187 East Arlington Avenue.

Salinas: Dr. George F. Faulkner, Albert C. Hensen, Christen H. Hansen, George T. Scott.

San Bernardino: George L. Barrows; Ben Humphreys; Harriet J. Humphreys, 147 Seventh Street; Mathew A. Humphreys, 147 Seventh Street; Ola M. Lawrence; Mary A. Sedgwick; Albert G. Knight, 404 Tenth Street; Harold T. Merritt, 404 Tenth Street; George G. Oldaker, 276 Mount Vernon Avenue.

San Diego: Benjamin L. Hinman, care Brewster.

San Dimas: Charles A. Butler, George M. Butler, Mauree Du Bois, Frank H. Harwood, Frank A. Hickman, Percy A. Johnstone, William R. Johnstone, J. E. McFadden, John F. McLean, Elisha Mitchell, Christa T. Muggelberg, Herbert J. Phelps, Wilson M. Smith, Elizabeth H. Taylor, Lucien S. Taylor, David C. Teague, Elmer E. Teague, Minnie E. Teague, Robert M. Teague, Russell W. Teague, Edward W. Thomas, Myrtle R.

Thomas, Raymond A. Torrey, Genevieve Walker, Harry E. Walker, Loyal O. Whitmer.

San Fernando: William J. Millen.

San Jacinto: Edgar Vertrees, Clarence E. Vertrees.

San Francisco: I. A. Cottingham, 3319 Jackson Street; Robert J. Craig, 205 Tehama Street; John R. Cunningham; Gus Davis, 2135 Sutter Street; Arthur B. Eddy, 511 Hill Street; Joseph S. Harlan, 809 Pierce Street; Lella Harlan, 809 Pierce Street; Edw. C. Johnson, 439 Jones Street; Louis P. McGettigan, 40 Belvidere Street; Reginald H. McKaig, 1000 First National Bank Building; Homer W. Norton; H. M. R. Rodman, 2020 Howard Street; Charles F. Rutter, 1752 Steiner Street; Margaret Rutter, 1752 Steiner Street; Alexander E. Sim, 157 Sutter Street; Edward T. Taylor, 94 Walter Street; Sol. J. Vogel, care New York Life Insurance Co.; George N. Williams, 1001 Pine Street; Hal A. Curtis, Empire Theater; Margaret E. Hatton, 1111 Pine Street; Albert M. Howe, 1156 Fell Street; Edgar L. Lewis, 2424 Buchanan Street; Frederick M. Lewis, San Marco Hotel; Harry F. Lewis, 510 Battery Street; Martha L. McKaig, 2022 Fell Street; Florence Moore, Keystone Apartments; Joseph A. Moore, 840 Cole Street; Robert S. Moore, corner Maine and Howard Streets; Mary A. Rethers, 2900 Scott Street; Theodore C. Rethers, 2900 Scott Street; Henry Rosenfeld, 1024 Merchants Exchange; Louis Rosenfeld, 1024 Merchants Exchange; R. S. Shainwald, 34 First Street; George B. Thornton, care American-Hawaiian Steamship Co., Pier 23; Fanny D. Moore, 1320 Arch Street.

San Jose: James Beatty, First National Bank Building; Henrietta K. Beatty, First National Bank Building; William J. Close, 31 West Santa Clara Street; Earl B. Isham, 297 North Third Street; Mrs. Clara R. Long, 655 South Sixth Street (care Rev. George I. Long); Rev. George I. Long, 655 South Sixth Street; Frank W. Luther, 601-602 First National Bank Building; Edgar E. Lynde; Arden H. Michener; Fred J. Rugg, 341 North Crittenden Street; William E. Stevens, 60 South Seventh Street.

San Pedro: Louis Levy; Gustav Litschke, 420 Beacon Street.

Santa Barbara: Ira C. Goodridge, care The Upham.

Santa Clara: Arthur E. Graham.

Santa Cruz: C. P. R. Adney, care William H. Bias; Robert B. Bias, 73 Walnut Street; William H. Bias; Philip P. Bliss; Christian Buch; Mrs. Charles H. Cornell, 177 North Braciforte Avenue; William H. Crowe, 406 Ocean Street; William D. Crumpton; F. A. DeCray; Henry H. Frapwell; Henry J. Godfrey; Abraham T. Grove; George H. Harrington; Henry Hertz; Peter M. Kimmey; Charles Lewis; Matt R. Marko, 28 Franklin Street; Mathilde Metzler; William W. Morley; Leonard J. Nehf; Ella St. C. Orton; Frank H. Parker; C. S. Price, superintendent of schools; William E. Vanderwort; Willett Ware; Dr. F. D. Webley, corner Brighton Avenue and East Cliff Drive; George W. Whitney; Joseph T. Winterholder; Benjamin C. Wise.

Santa Monica: Bertha C. Chase, 313 Nevada Avenue, box 346; Arthur A. Weber.

Santa Paula: Albert Hofmeister.

Santa Rosa: Charles Hallowell.

Saratoga: John L. Pendleton, Charles S. Pendleton.

Savate: Perry A. Ball, Soldiers' Home; E. J. Calhoun, 614 Fourth Street; James Hill, Soldiers' Home; Oscar R. Lord, Soldiers' Home; George Raper, Soldiers' Home; John W. Ball; Edwin L. Barnard; Charles G. Bunting, Soldiers' Home; Benjamin F. Cook, Soldiers' Home; George B. Dunkin; Henry C. Gilbert; William Hasse, Soldiers' Home; Dr. Augustus B. Hromadke; Julia A. Johnson; Lydia J. Ledwith; Samuel A. McCarrison; Abraham Palmer; Arthur C. Seward; Gilbert Tull.

Sebastopol: Olive T. Allen.

Selma: Charles Hallowell.

Sonoma: Joseph M. Buttenuth, Harris J. Coffill, Dr. E. T. Gould, George A. Howard, Bertha M. Kahl, Rebecca Lick, Roy T. McNeely, George Michel, Gilbert M. Voorheis.

Soquel: Albert F. Davis, George Cunnison.

Spreckels: Stanley A. Gandy, Jennie E. Moore, James R. Riley, George E. Stadler, Ralph H. Moore.

Stockton: Dr. L. M. Haight; Reinhart Hall, 229 East Oak Street; Francis M. Johnson, care Dr. Fitzgerald, Elks Building; George E. McLeod, 9 South Hunter Street; Joseph W. Manuel, 212 West Acacia Street; John W. Moore; Luke W. Peart, care Heald's College; Benjamin M. Woodhull, 1115 East Weber Avenue.

Suisun: Frederick A. Butterfield, Mary E. Crocker, box 53; James A. Keys, Charles E. Mayfield, May A. Mayfield, James S. Polland, Robert Stewart, Augustus C. Tillman, Alexander E. Trainor, George C. Trainor, Dr. F. E. Webster.

Terra Bella: Harry G. Hutchins.

Tipton: A. C. Walsh.

Tracy: Henry Schmidt, Wilhelm Schmidt.

Vallejo: John H. Brennan, Albert R. Casper, Valentine Hathaway, Fred H. Heegler, Gustave O. Klotz, John E. Paulson, Eva F. Suydam.

Visalia: Charles C. Robinson.

Waterman: Laverne L. Freeman; Oliver L. Morton, care L. L. Freeman.

Watts: Hays Anderson, Joseph Burgess, Lemuel L. Ellis, Delos E. Gamble, William L. Summers, Charles A. West, James H. West, Myrtle A. West, Arthur E. Wilms.

Westminster: E. C. Phelps.

Westgate: Louis H. Duryee, Lawrence G. Marshall, Francis J. Folsom. *Whittier:* Omer S. Coppock; Kittle A. Coulthurst, care William H. Coulthurst; Harry A. Eckert; Rev. N. T. Edwards; Ruby L. Faucett; Nellie W. Keen, care Scott Keen; Amos C. Maple; John Neal, care Robert Neal; Arthur C. Pickering; Cecil E. Pickering; William J. Randall; Reba Randall; V. A. Reynolds; Agnes R. Sargent; Prof. R. E. Smith; Estelle Stevens, care Alfred J. Stevens; Albert K. Tanner; Emit Tanner; Farnelle Tanner; Anna M. Todd, care Joseph Todd; Charles G. Warner, 637 North Washington Avenue; May L. Warner, 637 North Washington Avenue; Herbert E. White; Laura A. Yale; Eddie W. Reider, 514 East Bailey Street; Elizabeth R. Saxman, 140 Newlin Street; Jessie C. Smith, 516 East Camilla Street.

EXCHANGE LANDS FOR SCHOOL SECTIONS IN RESERVATIONS.

The next business on the Calendar for Unanimous Consent was the bill (S. 5068) to authorize the Secretary of the Interior to exchange lands for school sections within an Indian, military, national forest, or other reservation, and for other purposes.

The Clerk read the bill at length.

Mr. MANN and Mr. MARTIN of South Dakota reserved the right to object.

Mr. MANN. Mr. Speaker, I hope the gentleman from California will ask to have this go over without prejudice. It is pretty late in the day, and I do not know whether anybody is to object or not, but I want to be heard for a few moments upon the bill.

Mr. RAKER. I am perfectly willing to do so, but this is the last bill that will be taken up.

Mr. MANN. It is?

Mr. LAFFERTY. How does the gentleman know? I have got a bill on the calendar.

Mr. MANN. The gentleman speaks by the card. But I can say to him that we are not going to take this one up. I think there are several little bills, however, that gentlemen would like to get through which are unobjected to. If this comes up it will take some little time. It is a Senate bill, and I shall ask for the regular order.

The SPEAKER. The gentleman from Illinois demands the regular order, and the regular order is, Is there objection?

Mr. MARTIN of South Dakota. Mr. Speaker, unless I am permitted to reserve an objection I will make it, but I am perfectly willing to reserve it.

Mr. FERRIS. Mr. Speaker, along early in the afternoon, when a companion House bill to this was up and had a good chance to be considered, the gentleman from Illinois suggested that we let it go by, so that we could take up the Senate bill. Now, does not the gentleman think it would be right to let the gentleman from California take up his bill, because he lost his opportunity early in the day?

Mr. MANN. The gentleman did not lose his opportunity; he had no opportunity.

Mr. FERRIS. The gentleman from Illinois will remember the conversation.

Mr. MANN. I remember the facts and the conversation.

Mr. FERRIS. Have I misstated them?

Mr. MANN. I do not think the gentleman has, but he has drawn an inference that ought not to be drawn from the facts. I do not think there is any necessity of wasting time in taking the bill up to-night. I do not desire to sit here late in the evening, but I wish to be heard for a few moments on the bill if it is taken up. If that is not satisfactory to the gentleman from California, I will ask for the regular order.

Mr. FERRIS. I think it would follow from the fact that the gentleman from Illinois suggested that—

Mr. MANN. I did not suggest anything, because I was going to object to the House bill. The gentleman had a Senate bill in another place on the calendar.

Mr. FERRIS. That is precisely what I said.

Mr. MANN. There was no act of bad faith.

Mr. FERRIS. I did not charge that.

Mr. MANN. Well, I think the gentleman rather intimated it. Mr. FERRIS. Oh, not at all. The gentleman is never in bad faith. I merely thought it would appeal to him.

The SPEAKER. Is there objection?

Mr. MARTIN of South Dakota. I object.

BOARD OF REGENTS, SMITHSONIAN INSTITUTION.

The next business on the Calendar for Unanimous Consent was Senate joint resolution 156, to appoint George Gray a member of the Board of Regents of the Smithsonian Institution.

The Clerk read the Senate joint resolution, as follows:

Resolved, etc., That the vacancy in the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, shall be filled by the reappointment of George Gray, a citizen of Delaware.

The SPEAKER. Is there objection?

There was no objection.

The Senate joint resolution was ordered to a third reading, was read the third time, and passed.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 3175. An act to regulate the immigration of aliens to and the residence of aliens in the United States.

FINAL PAYMENT FOR LANDS, UMATILLA RESERVATION, OREG.

The next business on the Calendar for Unanimous Consent was the bill S. 3225, an act providing when patents shall issue to the purchasers or heirs of certain lands in the State of Oregon.

The Clerk read the bill, as follows:

Be it enacted, etc., That all persons who have heretofore purchased any of the lands of the Umatilla Indian Reservation, in the State of Oregon, and have made or shall make full and final payment therefor in conformity with the acts of Congress of March 3, 1885, and of July 1, 1902, respecting the sale of such lands, shall be entitled to receive patent therefor upon submitting satisfactory proof to the Secretary of the Interior that the untimbered lands so purchased are not susceptible of cultivation or residence, and are exclusively grazing lands, incapable of any profitable use other than for grazing purposes.

SEC. 2. That where a party entitled to claim the benefits of this act dies before securing a patent therefor, it shall be competent for the executor or administrator of the estate of such party, or one of the heirs, to make the necessary proofs and payments therefor to complete the same; and the patent in such cases shall be made in favor of the heirs of the deceased purchaser and the title to said lands shall inure to such heirs as if their names had been especially mentioned.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. This bill is on the Union Calendar.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent to consider the bill in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The bill was ordered to a third reading, was read the third time, and passed.

On motion of Mr. FERRIS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

TO INCREASE THE EFFICIENCY OF THE NAVY AND MARINE CORPS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 24225) to amend an act entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," approved March 3, 1899.

Mr. MANN. Mr. Speaker, to save time, unless the gentleman from Texas asks to have this passed over, I shall object.

Mr. GREGG of Texas. If the gentleman from Illinois is going to object, I ask that it be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

TITLE TO CERTAIN LAND IN BALDWIN COUNTY, ALA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11478) to quiet title and possession with respect to a certain unconfirmed and located private land claim in Baldwin County, Ala., in so far as the records of the General Land Office show said claim to be free from conflict.

The Clerk read the bill, as follows:

Be it enacted, etc. That all the right, title, and interest of the United States in and to the lands situate in section 44, township 1 north, range 2 east, and section 49, township 1 north, range 1 east, containing 639.97 acres, in Baldwin County, Ala., known as the Francis Girard grant, shall be, and the same are, in so far as the records of the General Land Office show the said land to be free from conflict, hereby directed to be granted, released, and relinquished by the United States, in fee simple, to the respective owner or owners of the equitable titles thereto and to their heirs and assigns forever as freely and completely, in every respect whatever, as could be done by patents issued therefor according to law.

SEC. 2. That nothing in this act shall in any manner abridge, divest, impair, injure, or prejudice any valid right, title, or interest of any person or persons in or to any portion or part of the lands mentioned in the said first section, the true intent of this bill being to relinquish and abandon, grant, give, and concede any and all right, interest, and estate, in law or equity, which the United States is or is supposed to be entitled to in said lands, in favor of all persons, estates, firms, or corporations who would be the true and lawful owners of the same under the laws of the State of Alabama, including the laws of prescription, in the absence of the said interest and estate of the United States.

SEC. 3. That the Department of the Interior shall cause patents to issue for such lands, and such patents shall issue in the name of the original claimant, and when issued shall be held for the use and benefit of the true and lawful owner or owners, as provided in sections 1 and 2 of this act.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to have the gentleman tell us what this is.

Mr. FERRIS. Mr. Speaker, this bill seeks to acquire title to about 414.5 acres of land that were acquired under the Girard grant. It was always assumed that the grant was confirmed by the act of 1819, but the Interior Department says that is not true. It says it was not approved. The bill only seeks to confirm the title to that portion of the grant which is not in conflict, and the Interior Department says that the 414.5 acres are not in conflict. The Interior Department in its letter suggests an amendment to the end that the Federal Government will not be seeking to confer title to some one, being left in the attitude of an insurer of title. We have modified the bill and amended it so that it meets with the approval of the department. The department's letter is of date July 24, 1912, signed by the Assistant Secretary, Samuel Adams. He recommends it. The bill was before his predecessor, Mr. Ballinger, and he recommended it. The land has been occupied and owned and held for so long that I think there can be no possible objection to the bill. The same care about confirmations and perfecting of title did not prevail then that is now present. There can be no possible objection to the bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, strike out line 4 and insert "persons, estates, firms, or corporations, who would be the true and lawful owners of the same under the laws of Alabama, including the laws of prescription had the private-land claim of the said Francis Girard been confirmed by the third section of the act of March 3, 1819 (3 Stat., 528)."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FERRIS, a motion to reconsider the vote by which the bill was passed was laid on the table.

TERMS OF UNITED STATES COURT AT NEWARK, N. J.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 28094) to amend section 96, chapter 5, of the act of Congress of March 3, 1911, entitled "The Judicial Code."

The Clerk read the bill, as follows:

Be it enacted, etc. That section 96, chapter 5, of the act of Congress approved March 3, 1911, and therein designated "The Judicial Code," be amended so that the same shall read as follows:

"Sec. 96. The State of New Jersey shall constitute one judicial district, to be known as the district of New Jersey. Terms of the district court shall be held at Newark on the third Tuesday in January, the first Tuesday in May, and the third Tuesday in October, and at Trenton on the first Tuesday in April, the third Tuesday in September, and the first Tuesday in December. The clerk of the court for the district of New Jersey shall maintain an office, in charge of himself or a deputy, at Newark and at Trenton, each of which offices shall be kept open at all times for the transaction of the business of the court; and the marshal shall also maintain an office, in charge of himself or a deputy, at Newark and at Trenton, each of which offices shall be kept open at all times for the transaction of the business of the court."

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I reserve the right to object. What is the necessity for holding court at Newark?

Mr. McCOY. Mr. Speaker, the necessity arises from the fact that most of the business done in the United States courts in the district of New Jersey arises in the northern counties. More than half of the population of the State is in those northern counties and still there is no term of court held except in Trenton.

Mr. MANN. I suppose this bill was prepared after some consideration and possibly consultation. It was introduced on January 15, reported on January 28, and nearly every date that was in the original bill is changed by amendments. Is this in conformity with the wishes of the people over there?

Mr. McCOY. Mr. Speaker, the bill as introduced provided for six terms, three in one place and three in another, but after consultation with the two judges of the United States district courts and with attorneys in the northern part of the State it was agreed that the four terms would be sufficient—two in Newark and two in Trenton.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. McCOY. Mr. Speaker, I ask unanimous consent that it be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the amendments.

The Clerk read as follows:

Line 10, page 1, strike out the words "the third Tuesday in January" and the word "May" and insert in place of the word "May" the word "April."

Line 11, page 1, strike out the word "third" and insert in place thereof the word "first." Strike out the word "October" and insert in place thereof the word "November."

Line 1, page 2, strike out the words "first Tuesday in April" and the word "September" and insert in place of the word "September" the word "January."

Lines 2 and 3, page 2, strike out the word "first" and insert in place thereof the word "second." Strike out the word "December" and insert in place thereof the words "September of each year."

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. McCoy, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS MISSISSIPPI RIVER, BATON ROUGE, LA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 25762) for the construction of a bridge across the Mississippi River at or near Baton Rouge, La.

The Clerk read as follows:

Be it enacted, etc., That the Baton Rouge Bridge & Terminal Co., a corporation organized under the laws of the State of Louisiana, its successors and assigns, be, and are hereby, authorized to construct, maintain, and operate a bridge, and all approaches thereto, across the Mississippi River at or near the city of Baton Rouge, La., at a point suitable to the interests of navigation, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906: *Provided*, That said bridge shall be so constructed, maintained, and operated that, in addition to its use for railroad trains and trolley cars, it shall provide for a separate roadway and approaches and continuous use by the public as a highway bridge, to be used for all kinds of highway traffic and travel, for the transit of which reasonable rates of toll may be charged and received, but no rate for passage of a single passenger on a railroad train shall exceed 25 cents.

Sec. 2. That the Interstate Commerce Commission shall have authority to make rules and regulations for the use of this bridge by any other common carrier engaged in interstate commerce at any time any other such common carrier may desire to use it jointly, and the Interstate Commerce Commission is authorized to fix charges for any such joint use, and such charges shall be based upon the relation that the proportionate use of each carrier bears to the interest of the net income from the sale of bonds to the amount of the actual cost of construction.

Sec. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I notice the War Department reports that this bill is in the usual form, which it is not. I would like to ask the gentleman who has charge of the bill why there is a departure in this bill from the usual form with reference to bridge bills, and why we should pass a bill authorizing the charge of 25 cents to each passenger on a train crossing the bridge. The bill says not to exceed 25 cents, and I assume it is 25 cents. I would like to ask why it is not left within the control of the War Department, which would have control under the general bridge act without this specific provision in it?

Mr. BROUSSARD. Mr. Speaker, the gentleman from Illinois will notice that the committee has stricken out that portion of the bill to which he refers.

Mr. MANN. I did not hear the gentleman.

Mr. BROUSSARD. I said the gentleman from Illinois will notice that the committee has stricken out that portion of the bill to which he refers.

Mr. MANN. I beg the gentleman's pardon, it has done nothing of the kind; the gentleman is mistaken. The committee has reported striking out section 2, but what I refer to is in the first section, under the proviso, the last part of which reads, "but no rate for passage for a single passenger on a railroad train shall exceed 25 cents."

Mr. BROUSSARD. The proviso reads:

Provided, That said bridge shall be so constructed, maintained, and operated that, in addition to its use for railroad trains and trolley cars, it shall provide for a separate roadway and approaches and continuous use by the public as a highway bridge, to be used for all kinds of highway traffic and travel, for the transit of which reasonable rates of toll may be charged and received, but no rate for passage of a single passenger on a railroad train shall exceed 25 cents.

Mr. MANN. The last part is what I read.

Mr. BROUSSARD. Now, the gentleman asks, as I understand it, why the 25 cents was put in this bill. It was only a restriction upon the charges that may be placed upon passengers going across this bridge.

Mr. MANN. Well, I think it would be construed as authority to charge 25 cents, whereas without that provision the War Department may determine that 10 cents is enough, as it probably is.

Mr. BROUSSARD. I am perfectly willing for that to go out, if the charge seems to be too high, because what we are seeking to secure by this bill is a bridge across the Mississippi River where five great roads run to the river at a little town across from the capital of the State, Port Allen, and to be permitted to cross the river on a bridge provided for by this company organized for that purpose, and if the charge for passengers be too high in the gentleman's opinion, I am perfectly willing to eliminate that charge. In fact, as the gentleman will see by section 2, we wanted the Interstate Commerce Commission to fix the charge.

Mr. MANN. I take it it is a railroad and wagon bridge.

Mr. BROUSSARD. Yes; that is what it is.

Mr. MANN. That is all covered in the general bridge act without this proviso in the bill.

Mr. BROUSSARD. I am perfectly willing to strike out the proviso. We wanted the commission to regulate the charges on this bridge as we originally introduced the bill, but the Inter-

state Commerce Committee thought proper to strike out that provision.

Mr. MANN. The gentleman may not understand that under the general bridge law the Secretary of War can regulate this absolutely.

Mr. BROUSSARD. Without any specific declaration?

Mr. MANN. Without any specific declaration at all.

Mr. BROUSSARD. I should welcome the gentleman's amendment.

Mr. MANN. They have that authority, and that is far better for the security of the people than even the Interstate Commerce Commission.

Mr. BROUSSARD. I will strike out that portion of the bill which limits the charge which shall be made for passengers going over the bridge. What we are seeking to do is to get the bridge.

Mr. MANN. I think the gentleman would be a great deal better off if he would move to strike out the proviso in section 1. He will be in better position to get the bridge.

Mr. BROUSSARD. Mr. Speaker, I move to strike out the proviso in section 1.

The SPEAKER. Is there objection to the consideration of this bill?

Mr. MOORE of Pennsylvania. Mr. Speaker, reserving the right to object, I would like to ask the gentleman how far this bridge would be from the city of New Orleans?

Mr. BROUSSARD. It will be about 80 miles up the river.

Mr. MOORE of Pennsylvania. That is, the distance from New Orleans to the capital of Louisiana?

Mr. BROUSSARD. From New Orleans to Baton Rouge.

Mr. MOORE of Pennsylvania. Is it to be a fixed bridge or a drawbridge?

Mr. BROUSSARD. It will be a drawbridge, and a modern one that will not interfere with navigation on the river.

Mr. MOORE of Pennsylvania. I do not want to interfere with the gentleman's project nor his section of the country, but the Government is spending large sums of money on the improvement of the Mississippi River for a distance, all told, of about 2,500 miles from the Lakes to the Gulf, and the distance from Baton Rouge to New Orleans, as the gentleman has stated, is about 80 miles, so that this bridge would probably be the southernmost bridge on the Mississippi River up to the present time. I wanted to ask about the navigation. The gentleman says the bridge would be constructed so it would not impede the navigation, and that it would be a drawbridge so that masted vessels might get through. Has the gentleman any information with regard to the effect of this bridge and its abutments upon floods that occasionally break out in this vicinity on the Mississippi River?

Mr. BROUSSARD. Mr. Speaker, to be perfectly frank with the gentleman from Pennsylvania [Mr. Moore], I have not that information beyond this, that the people who are interested are not interested because they propose to have any stock in this company organized in Louisiana to build the bridge, but because of the fact that the people in that section of Louisiana where I live can, by virtue of this proposition, get to New Orleans, by retracing the line of railroad west, an hour earlier; and so will the mail reach western Louisiana and southeastern Texas one hour sooner than it does now by crossing on the ferry at New Orleans. So that, inasmuch as the people whose lands are subject to overflow are petitioning for this bridge to be built in order to convenience them in their travel, and to convenience the mail in reaching destination in that populous section of the country, I judge that they have considered the matter, and if they are not fearful of any results that might come from any impediment of the flow of the river to the sea, by which there might be a greater danger in protecting their lands from overflow, we should not be.

Mr. MOORE of Pennsylvania. Baton Rouge is on comparatively high ground, is it not? Does it not stand well up above the river?

Mr. BROUSSARD. It stands well up above the river. In fact, Baton Rouge is on a hill, and we who come from the side of the river where I live—the western side of the river—will have to meet very high hills on the Baton Rouge side, the eastern or capital side of the river, and this bridge will have to be built so as to meet the ridge above the capitol. I want to say to the gentleman from Pennsylvania, besides that, that the War Department has recommended that this bill be passed.

Mr. MOORE of Pennsylvania. Yes; I have seen that in the report.

Mr. BROUSSARD. It will not interfere with navigation, according to the United States engineers, but besides that it gives a quicker access to New Orleans, which, in my judgment,

will be the city to which all the trade of the Mississippi River Valley will come after the Panama Canal is completed. All the western country that is reached by the Texas & Pacific Railroad and by the Southern Pacific Railroad will find its terminus in order to reach these markets, whether on the Atlantic side of South and Central America or on the Pacific side of South and Central America, and in the Orient as well. And the Frisco system, that recently has come to Port Allen, is anxious to cross the river and get on to the western side and carry freight on to the Pacific coast.

Besides the Colorado Southern and other roads, five in all, as I am informed, meet at that point just across the river from Baton Rouge, being able to cross by bridge, will reach the Atlantic seaboard, and reach the Panama Canal, and reach the western part of this hemisphere, and reach the Orient as well. All of these roads centering at Port Allen, across from Baton Rouge, will be able to save 1 hour in crossing so far as passengers are concerned, and possibly 24 hours in crossing so far as freight is concerned, and get on the other side of the river and reach their destination so much the sooner.

Mr. MOORE of Pennsylvania. I sincerely trust that that development will take place, but I want to call the attention of the gentleman to the fact that 2,500 miles of this navigation will land up against this bridge, once constructed, and if it impedes the commerce that is being carried on on this navigable stream it would be a serious matter.

Mr. MANN. Mr. Speaker, I call for the regular order.

The SPEAKER. The regular order is demanded. Is there objection?

Mr. MOORE of Pennsylvania. I hope the gentleman does not want to destroy this bill.

Mr. MANN. I call for the regular order.

Mr. MOORE of Pennsylvania. I hope the gentleman will not destroy this bill.

The SPEAKER. The regular order is demanded, and if anybody objects, the bill will be stricken from the calendar.

Mr. MOORE of Pennsylvania. Mr. Speaker—

The SPEAKER. It is not debatable. Every Member has the right to call for the regular order when he chooses.

Mr. MOORE of Pennsylvania. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MOORE of Pennsylvania. In view of the demand for the regular order, is it not in order to make the point that no quorum is present?

The SPEAKER. It is always in order to make that point.

Mr. TALBOTT of Maryland. Mr. Speaker, I move that the House adjourn.

The SPEAKER. The gentleman from Maryland moves that the House adjourn.

Mr. FITZGERALD. I trust the gentleman will withhold that motion until I can submit a request.

Mr. TALBOTT of Maryland. I will withhold my motion, Mr. Speaker.

Mr. MOORE of Pennsylvania. The demand for the regular order is a closure measure. I do not wish to defeat the measure that the gentleman from Louisiana [Mr. BROUSSARD] has in hand.

Mr. MANN. Mr. Speaker, I call for the regular order. Let it go over until next week.

Mr. MOORE of Pennsylvania. I do not want to prejudice this bill.

Mr. MANN. Unless the gentleman himself objects to it, it does not go off the calendar.

Mr. BROUSSARD. Mr. Speaker, I ask unanimous consent that this bill go over until next week without prejudice.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

HOUR OF MEETING TO-MORROW.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 10.30 o'clock to-morrow morning.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent that when the House adjourns to-day it adjourn until 10.30 o'clock to-morrow morning. Is there objection?

Mr. MANN. We have not got through the appropriation bills, and we shall have to meet at 9 o'clock pretty soon.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. FITZGERALD. Mr. Speaker, the gentleman from Texas [Mr. BURLISON] asked me to announce that the House will sit late to-morrow night in order to finish the District of Columbia appropriation bill.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on the Library was discharged from the further consideration of the bill (H. R. 28575) to provide a commission to secure plans and designs for a bridge as a memorial of peace and union, to be known as the "Grant-Lee Bridge," and to be constructed across the Potomac River from a point in the city of Washington near the site selected by law for a memorial for Abraham Lincoln to the national cemetery at Arlington, in the State of Virginia, and the same was referred to the Committee on Interstate and Foreign Commerce.

ADJOURNMENT.

Mr. TALBOTT of Maryland. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 4 minutes p. m.) the House, in accordance with the order previously made, adjourned until to-morrow, Tuesday, February 4, 1913, at 10 o'clock and 30 minutes a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred, as follows:

1. A letter from the president of the East Washington Heights Traction Railroad Co., transmitting annual report of said company for the year ending December 31, 1912 (H. Doc. No. 1332); to the Committee on the District of Columbia and ordered to be printed.

2. A letter from the Secretary of War, transmitting memorandum report of the Chief of the Bureau of Insular Affairs, giving a list of useless papers pertaining to said bureau (H. Doc. No. 1335); to the Committee on Disposition of Useless Executive Papers and ordered to be printed.

3. A letter from the president of the Washington Gas Light Co., transmitting annual report of said company for the year ending December 31, 1912 (H. Doc. No. 1333); to the Committee on the District of Columbia and ordered to be printed.

4. A letter from the president of the Washington & Old Dominion Railroad, transmitting annual report of said company for the year ending December 31, 1912 (H. Doc. No. 1334); to the Committee on the District of Columbia and ordered to be printed.

5. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Vermillion River, La., and channel to connect Vermillion River with the inland waterway between Franklin and Mermentau, at Schooner Bayou (H. Doc. No. 1336); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. CARY, from the Committee on the District of Columbia, to which was referred the bill (S. 7509) to authorize the extension of Twenty-fifth Street SE. and White Place, reported the same without amendment, accompanied by a report (No. 1433), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. McCALL: A bill (H. R. 28600) to authorize the Lincoln Memorial Commission to procure a plan and design for a memorial bridge across the Potomac River; to the Committee on Interstate and Foreign Commerce.

By Mr. McKELLAR: A bill (H. R. 28601) for the purchase of a site and erection of a public building in the city of Memphis, Shelby County, Tenn.; to the Committee on Public Buildings and Grounds.

By Mr. STEVENS of Minnesota: A bill (H. R. 28602) to authorize the Secretary of War to make an agreement with the Municipal Electric Co., a corporation, for the disposal of the hydroelectric power developed by the dam between St. Paul and Minneapolis, Minn.; to the Committee on Rivers and Harbors.

By Mr. HUMPHREY of Washington: A bill (H. R. 28603) to amend an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1899, and for other purposes," approved July 1, 1898; to the Committee on the Public Lands.

By Mr. COVINGTON: A bill (H. R. 28604) for the purchase of a site and the erection of a Federal building at Salisbury, Md.; to the Committee on Public Buildings and Grounds.

By Mr. CARTER: A bill (H. R. 28605) for the purchase of a building and lot as a mine rescue station at McAlester, Okla.; to the Committee on Mines and Mining.

By Mr. MARTIN of South Dakota: A bill (H. R. 28606) to authorize the sale and disposition of a portion of the surplus and unallotted lands in Todd County, in the Rosebud Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect; to the Committee on Indian Affairs.

By Mr. FLOOD of Virginia: A bill (H. R. 28607) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1914; to the Committee of the Whole House on the state of the Union.

By Mr. BUCHANAN: A bill (H. R. 28608) to provide the Government with means sufficient to supply the national want of a sound circulating medium; to the Committee on Ways and Means.

By Mr. DAVIS of Minnesota: A bill (H. R. 28609) providing for the purchase of a site and the erection of a public building at Northfield, Minn.; to the Committee on Public Buildings and Grounds.

By Mr. GARNER: Resolution (H. Res. 808) requesting the Attorney General to transmit to the House of Representatives certain information; to the Committee on the Judiciary.

By Mr. STEENERSON: Resolution (H. Res. 809) requesting information of the President as to practicability of extending a 2-cent letter postage rate similar to that in force with Great Britain and Germany to other European countries desiring the same; to the Committee on the Post Office and Post Roads.

By Mr. BURKE of South Dakota: Memorial from the Legislature of the State of South Dakota requesting the Secretary of the Interior to revise the rules governing right to lease and manner of leasing allotted Indian lands; to the Committee on Indian Affairs.

Also, memorial from the Legislature of South Dakota, asking Congress to amend the 320-acre homestead law, known as the Mondell bill, so as to include the remaining Government lands in South Dakota; to the Committee on the Public Lands.

By Mr. MARTIN of South Dakota: Memorial from the Legislature of the State of South Dakota, requesting the Secretary of the Interior to revise the rules governing right to lease and manner of leasing allotted Indian lands; to the Committee on Indian Affairs.

Also, memorial from the Legislature of South Dakota, asking Congress to amend the 320-acre homestead law, known as the Mondell bill, so as to include the remaining Government lands in South Dakota; to the Committee on the Public Lands.

By the SPEAKER (by request): Memorial from the Legislature of North Carolina, memorializing the Congress of the United States to pass the Webb-Kenyon-Sheppard bill relative to shipping liquors into prohibition territory; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FLOOD of Virginia: A bill (H. R. 28610) to remove the charge of desertion from the military record of William H. Harlow, alias John Deen; to the Committee on Military Affairs.

By Mr. FORDNEY: A bill (H. R. 28611) to remove the charge of desertion from the record of Robert J. McConkey; to the Committee on Military Affairs.

By Mr. HINDS: A bill (H. R. 28612) granting a pension to Daniel Donovan; to the Committee on Invalid Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 28613) to construe the name of E. T. Bourger, as the same appears in the report of Hawkins-Taylor commission in relation to Company F, Osage County Battalion Missouri Home Guards, to refer to Joseph Bourgeret of Osage County, Mo.; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the King County Democratic Club, of Seattle, favoring the passage of legislation for the recognition of the Chinese Republic by the United States; to the Committee on Foreign Affairs.

By Mr. ANSBERRY: Petition of the department of agriculture of the State of Ohio, Columbus, Ohio, favoring the passage of legislation making appropriation for Federal cooperation for the eradication of hog cholera; to the Committee on Agriculture.

By Mr. ASHBROOK: Petition of the Ohio State board of agriculture, favoring the passage of bill for an appropriation for the cooperation of the Federal Government with the States in the eradication of the swine plague; to the Committee on Agriculture.

By Mr. BARTLETT: Petition of the Southern Labor Congress, Atlanta, Ga., relative to the treatment of the employees by the Louisville & Nashville Railroad; to the Committee on Labor.

By Mr. CARY: Petition of the Yahr & Lange Drug Co., Milwaukee, Wis., protesting against the passage of legislation for the reduction of tariff on medicinal chemicals; to the Committee on Ways and Means.

Also, petition of the Friday Afternoon Club, favoring the passage of House bill 25685, providing for the labeling and tagging of all fabrics and articles intended for sale which enter into interstate commerce; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Chamber of Commerce of the United States, favoring the passage of the Page agriculture and industrial bill (S. 3); to the Committee on Agriculture.

Also, petition of the Philadelphia Coal Exchange, favoring the passage of legislation for repeal of the mercantile-tax bill; to the Committee on Ways and Means.

Also, petition of the Wisconsin Retail Hardware Association, favoring the passage of the Weeks bill (H. R. 27567) for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. DANFORTH: Petition of the Central Trades and Labor Union Council, Rochester, N. Y., favoring the passage of legislation for enforcing the inspection of locomotive boilers and safety appliances for railway equipment; to the Committee on Interstate and Foreign Commerce.

By Mr. FORDNEY: Petition of the American Flint Glass Workers' Union, Local Union No. 127, Lancaster, Ohio, protesting against the passage of legislation for the reduction of tariff on imported glassware; to the Committee on Ways and Means.

By Mr. FULLER: Petition of John Bodwell, Paxton, Ill., favoring the passage of House bill 1339, to increase the pensions of veterans of the Civil War who lost an arm or leg; to the Committee on Invalid Pensions.

Also, petition of the National Refining Co., Peoria, Ill., favoring the passage of the Weeks bill (H. R. 27567), for a 1-cent letter-postage rate; to the Committee on the Post Office and Post Roads.

By Mr. GOLDFOGLE: Petition of the Columbia Ribbon & Carbon Manufacturing Co., New York, favoring the passage of legislation for the reduction of duty on cotton tapes to be used for typewriter ribbons; to the Committee on Ways and Means.

Also, petition of the Chamber of Commerce of the State of New York, protesting against the passage of legislation for placing the Board of General Appraisers under control of the Treasury Department; to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Wholesale Liquor Dealers' Association of America, Cincinnati, Ohio, protesting against the passage of the Kenyon liquor bill, for preventing the shipment of liquor into dry territories; to the Committee on the Judiciary.

Also, petition of the Maritime Association of the Port of New York, favoring the passage of legislation for the establishment of a Weather Bureau station at Sandy Hook; to the Committee on Appropriations.

By Mr. KAHN: Petition of the Howard Presbyterian Church, of San Francisco, Cal., and the Ministers' Union of San Francisco, Cal., favoring the passage of the Kenyon "red-light" injunction bill for the cleaning up of Washington for the inauguration; to the Committee on the District of Columbia.

By Mr. KNOWLAND: Petition of the Methodist Church of Oakland, Cal., favoring the passage of the Kenyon "red-light" injunction bill, for the cleaning up of Washington, D. C., for the inauguration; to the Committee on the District of Columbia.

By Mr. LINDSAY: Petition of M. S. Becker, commissioner second district of Albany, N. Y., favoring the passage of Senate bill 6099, for the establishment of a uniform classification of freight; to the Committee on Interstate and Foreign Commerce.

By Mr. LINDBERGH: Petition of citizens of Richmond, Minn., protesting against the passage of legislation permitting the sale of colored oleomargarine for a substitute for butter; to the Committee on Agriculture.

Also, petition of sundry citizens of Cross Lake, Minn., asking for a congressional investigation of the prosecution of the Government of the Appeal to Reason; to the Committee on Expenditures in the Post Office Department.

By Mr. NYE: Petition of sundry citizens of Minneapolis, Minn., favoring passage of legislation for the establishment of a counsel of national defense; to the committee on Naval Affairs.

By Mr. O'SHAUNESSY: Petition of the Audubon Society of Rhode Island favoring the passage of the McLean bill for the Federal protection of migratory birds; to the Committee on Agriculture.

By Mr. SCULLY: Petition of the Richmond Chamber of Commerce, Richmond, Va., favoring the passage of legislation for a reform in the present banking system of the United States; to the Committee on Banking and Currency.

Also, petition of the National Association of Shellfish Commissioners, Boston, Mass., favoring the passage of legislation making appropriations for investigations for the improvement of the oyster industry; to the Committee on the Merchant Marine and Fisheries.

By Mr. SPARKMAN: Petition of citizens of the first district of Florida favoring the passage of the Jones-Works bill to limit the number of saloons in the District of Columbia; to the Committee on the District of Columbia.

By Mr. TAYLOR of Ohio: Petition of sundry citizens of Columbus, Ohio, favoring the passage of the McLean bill for the Federal protection of migratory birds; to the Committee on Agriculture.

By Mr. UNDERHILL: Petition of the Chamber of Commerce of the United States, favoring the passage of the Page agricultural and industrial education bill (S. 3) for Federal aid for vocational education; to the Committee on Agriculture.

Also, petition of the Poughkeepsie Chamber of Commerce, Poughkeepsie, N. Y., favoring the passage of pending legislation granting a Federal charter to the Chamber of Commerce of the United States of America; to the Committee on the Judiciary.

Also, petition of the legislative committee of the Philadelphia Coal Exchange, favoring the passage of legislation for the repeal of the mercantile tax bill; to the Committee on Ways and Means.

By Mr. WILSON of New York: Petition of the Navy League of the United States, Washington, D. C., favoring the passage of legislation for reorganizing the personnel of the Navy; to the Committee on Naval Affairs.

SENATE.

TUESDAY, February 4, 1913.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. BACON took the chair as President pro tempore under the previous order of the Senate.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. BRANDEGEE and by unanimous consent, the further reading was dispensed with and the Journal was approved.

RELIEF OF INDIANS ON RAILROAD LANDS.

Mr. ASHURST. Mr. President, I ask leave to withdraw as one of the conferees on the part of the Senate upon the disagreeing votes of the two Houses on the bill (S. 5674) for relief of Indians occupying railroad lands.

The PRESIDENT pro tempore. The Senator from Arizona asks to be excused from further service upon the conference committee as stated by him. Without objection, he is excused, and the senior Senator from Missouri [Mr. STONE] will be appointed in his stead.

VENTILATION OF SENATE AND HOUSE CHAMBERS (S. DOC. NO. 1061).

The PRESIDENT pro tempore laid before the Senate a communication from the Superintendent of the United States Capitol Building and Grounds, transmitting certain information relative to the better ventilation of the Senate and House Chambers, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

EAST WASHINGTON HEIGHTS TRACTION RAILROAD (H. DOC. NO. 1332).

The PRESIDENT pro tempore laid before the Senate the annual report of the East Washington Heights Traction Railroad for the year ended December 31, 1912, which was referred to the Committee on the District of Columbia and ordered to be printed.

DISPOSITION OF USELESS PAPERS.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of Commerce and Labor, recommending the disposal of certain papers on file in the Department of Commerce and Labor which have no permanent value or historical interest.

The communication will be referred to the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments. The Chair appoints as a committee on the part

of the Senate the Senator from Arkansas [Mr. CLARKE] and the Senator from New Hampshire [Mr. BURNHAM].

The Secretary will notify the House of Representatives of the appointment of the committee on the part of the Senate.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented a petition of sundry citizens of Crossville, Ill., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which was ordered to lie on the table.

Mr. BRISTOW presented a petition of sundry citizens of Colby, Kans., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which was ordered to lie on the table.

Mr. RICHARDSON presented a petition of the congregation of the Groome Memorial Methodist Protestant Church, of Lewes, Del., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which was ordered to lie on the table.

Mr. ASHURST presented resolutions adopted by the Chamber of Commerce of Graham County, Ariz., favoring the enactment of legislation providing for the conservation of the flood waters of the San Francisco and Gila Rivers, etc., which were referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented resolutions adopted by the Trades Council of Phoenix, Ariz., favoring the strict enforcement of legislation providing for the inspection of locomotive boilers and safety appliances for railway equipment, which were referred to the Committee on Interstate Commerce.

He also presented a memorial of the congregations of the Seventh-day Adventist Churches of Phoenix, Ariz., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. BOURNE. I present a petition signed by 226 residents of Oregon, praying that the lands now included in the Siuslaw National Forest Reserve be restored to settlement. I ask that the form of the petition, but not the signatures, be printed in the RECORD, and that the petition be referred to the Committee on Public Lands.

The PRESIDENT pro tempore. The Senator from Oregon asks that the form of the petition, without the signatures, be printed in the RECORD, and that the petition in its entirety be referred to the Committee on Public Lands. Without objection, it is so ordered.

The petition is as follows:

STATE OF OREGON, County of Lane.

HON. JONATHAN BOURNE, JR.,
United States Senator from Oregon:

We, the undersigned residents of the Siuslaw National Forest Reserve, hereby petition our honorable Senators and Representatives in Congress to return the Siuslaw National Forest Reserve to settlement, subject to homestead entries and settlement. In support of our claims we do hereby state the following reasons:

1. That a national forest is a detriment to the people who live in its vicinity.
2. That all kinds of natural resources within the national forest are withheld from use.
3. That the national forests are run so as to favor the big man and not to help the home builder.
4. That the homestead is taken away from settlement for ranger stations.
5. That the forestry officers are opposed to the settlers and are anxious to keep the country a wilderness by reporting against all claims whether good or bad.
6. That the forestry officials are eastern theorists who know nothing about the West.
7. That the timber sales are handled in the interest of monopoly for the Lumber Trust.
8. That the forest reserve prohibits settlement and improvement, thereby reducing the amount of taxes for schools and roads, which are greatly needed in the Siuslaw National Forest.

Dated this — day of —, 1912.

Mr. SIMMONS. I present a joint resolution passed by the General Assembly of North Carolina, declaring the views of that body with reference to interstate passenger and freight rates and charges. I ask that the joint resolution be printed in the RECORD and referred to the Committee on Interstate Commerce.

There being no objection, the joint resolution was referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

A joint resolution declaring the views of the General Assembly of North Carolina with reference to interstate passenger and freight rates and charges, and for other purposes.

Resolved by the house of representatives (the senate concurring):

First. That in the view of the General Assembly of North Carolina, Congress should declare illegal, under any and all circumstances, any greater charge by any public-service company for transporting passengers or freights of a given kind and quantity a shorter distance than is charged for transporting the same a longer distance in the same direction when the shorter haul is included in the longer.

Second. That the Senators and Representatives in Congress from this State be, and they are hereby, requested and respectfully urged to support a bill repealing the first and second proviso to section 4 of the interstate-commerce act and to support such other amendments as